GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY
5 CLOSED STACKS

SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK

Not to be taken from the Library

2 6 2001

SAN FRANCISCO PUBLIC LIBRARY
3 1223 04591 3408

Digitized by the Internet Archive
in 2012 with funding from
California State Library Califa/LSTA Grant

http://archive.org/details/minutesofmeetin198788huma

SF
180
2
/87

DOCUMENTS DEPT.

JAN 23 1987

SAN FRANCISCO
PUBLIC LIBRARY

Minutes

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY ~~OF~~ SAN FRANCISCO
Minutes of the Meeting of Thursday, January 8, 1987
Joe Jung's Restaurant
1098 Sutter Street
San Francisco, CA.

NEXT MEETING

DATE: Thursday, January 22, 1987
TIME: 9:00 AM
PLACE: Room 1202, State Building
350 McAllister Street
Civic Center

Roll CAll

Commissioners

Present: Esta Soler (presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, Phyllis Lyon, John Morrisseey, Nicertta Revelo, George Suncin.

Excused: Corrine Lee, Larry Martin, Joan Moulton, Sal Rosselli, Brenda Wade, John Moylan, David YamakawaJr.

Staff

Present: Grant Mickins, Norm Nickens, Richard Norton, Gail Roberts, Mary G. Starkweather, Pansy Ponzio Waller, Jackie Winnow, Gary Wong, Vicky Zimpel.

No Pledge of Allegiance because there was no Flag in the restaurant.

Minutes of December 13, 1986 approved.

COMMUNICATIONS

- From Louise H. Renne, City Attorney, a copy of her memorandum dated December 10, 1986 to all Boards, Commissions and Department Heads regarding recent amendments to the Brown Act requiring local agencies to post an agenda 72 hours before a meeting.

From Grandvel A. Jackson, President, NAACP, in support of Consent Decree by Plaintiff Interveners who represent Women and Minorities for Affirmative Action relief.

- From Louise H. Renne, City Attorney, a copy of her Memorandum dated December 11, 1986 to all Department Heads regarding outside employment by City employees.

- From John L. Martin , Manager, Budget and Financial Planning, Airports Commission regarding work order to the HRC for Fiscal Year 1987/88.

- From John L. Taylor, Clerk of the Board of Supervisors regarding the Oakland Scavenger Company.

- From Board of Supervisors to all interested organizations and individuals regarding Salary Standardization Procedure, 1987-88.

- From Dorothy J. Porter, Ph.D., Director Colorado Civil Rights Division thanking Director Mickins for his excellent presentation at the "AIDS in the Workplace" Civil Rights Summit Seminar held on December 12, 1986, in Denver.

- From Roger Boas , CAO enclosing informational report on the Office of the Chief Administrative Officer, 1977-1986 entitled, "From Infrastructure to the Arts."

3 1223 04591 3408

- Report of Nominating Committee and Election of Officers.

Commissioner Lyon the Chair of Nominating Committee reported that the Committee composed of Commissioners Revelo and Yamakawa had met and recommended that Esta Soler and George Suncin remain as President and Vice President since they were doing such a fine job.

It was m/s/c unanimously that they be elected to serve as President and Vice President of the Commission for a second year term.

Commissioner Soler thanked the Commissioners and stated that she enjoyed working with the Commissioners and HRC staff for the past year. She spoke of some of the accomplishments of the Commission and in particular about the MBE/WBE/LBE Ordinance. She expressed that the Ordinance had a tremendous opportunity on how contracts are awarded in the City and noted that there had been major improvements. She mentioned the excellent work that HRC staff had done in handling complaints on AIDS discrimination this past year.

She mentioned that HRC staff has diligently been working in the area of employment to increase opportunities for women in non-traditional jobs. She made mention of some issues from the Employment Committee and supporters from the outside that feel HRC may need to look at some of the Ordinances provisions and tighten up some of the sanctions for contractors who fail to meet the affirmative action requirements. She thanked the Commissioners and the HRC staff for their commitment and dedication to the goals and principals of the Commission.

DIRECTOR'S REPORT

Director Mickins reported that ending the year of 1986 that things did not slow down at HRC. There was a lot of activities, especially in the area of contracting-Earthquake bonds with Affirmative action requirements, Boarding Area E Lease bid proposal and other matters.

Director Mickins reported that the MBE/WBE Committee although they were not reporting at this meeting were working on their recommendatins on the Revolving Fund and Prompt Payment. He indicated that these areas were mentioned in the Ordinance and that the recommendations indicated that legislation be developed. He mentioned that Supervisor Jim Gonzalez had agreed to introduce and/or co-sponsor the legislation. Director Mickins commented that at the next Commission meeting, the Commissioners needed to pass a resolution indicating the particular areas that need to be addressed in both pieces of legislation.

Director Mickins reported that in regards to the Budget, HRC was still submitting documents to the Mayor for Fiscal Year 87-88.

Director Mickins reported that regarding the non-compliance item that had appeared before the Commission, at the previous meeting, on one of the contractors -Nibbi- Lowe, that a meeting had been held with the Contractors regarding the matter. He mentioned that present at the meeting were Deputy Mayor Jim Lazarus, the Contract Administrator of Compliance of the Public Works Department, President Larry Nibbi and HRC staff. He reported that at the meeting, a working resolution had been reached on the many issues that were raised previously. Mr. Nibbi had agreed to personally oversee Affimraitve Action goals of his company's with respect to their hiring practices and in regards to minorities and women. Director Mickins further reported that Mr. Nibbi agreed to remedy deficiencies for minorities and women in his company's employment participation.

Director Mickins concluded his report by introducing three student interns who are presently working at HRC- Kathy Hunter, Katherine Gotsick and Jennifer Paige. Director Mickins mentioned that they are from Denison University in Granville, Ohio. He complimented the interns for the fine work they are doing at HRC, and he commented that it was too bad that they were here for just one month.

5 46526 SFPL . ECONO JRS
102 SFPL 06/08/01 114

STANDING COMMITTEES

- No Report.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, January 22, 1987, at 9:00 AM in Room 1202 in the State Building, 350 McAllister Street, in the Civic Center.

AD HOC COMMITTEE ON AIDS	Wednesday, January 21, 1987 5:00 PM Room 509. HRC Offices, 1095 Market Street
ADMINISTRATIVE	Wednesday, February 4, 1987 5:00 PM Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, February 5, 1987 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, January 20, 1987 5:30-7:30 P.M. 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, January 29, 1987 3:30 P.M. Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, January 21, 1987 Noon Room 509, HRC Offices, 1095 Market Street
YOUTH AND EDUCATION	Thursday, January 15, 1987 3:30 - 5:30 PM Room 1200 State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Chair announced meeting adjourned -to be followed by Luncheon hosted by Commissioner Joe Jung and Family.

Respectfully submitted,

Grant S. Mickins
via Pansy P. Waller

GSM:bclp
1/15/87

SF
H80
12
1/22/87

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, January 22, 1987
Room 1200 State Building
350 McAllister Street, Civic Center

DOCUMENTS DEPT.
FEB 13 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, February 26, 1987
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister, Civic Center

NOTE: Thursday, February 12, 1987 is Lincoln's Birthday, and City offices are closed. The previously scheduled HRC meeting for that date is cancelled.

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry S. Martin, John Moylan, Nicerita Revelo, George Suncin, David Yamakawa.

Excused: John C. Morrissey, Joan Zamora Moulton, Sal Rosselli, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Norm Nickens, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather.

Ralph Hurtado, Mayor's Office Liaison to the HRC

Student Interns from Denison University, Granville, Ohio;
Katherine Gotsick
Kathy Hunter
Jennifer Paige

No Pledge of Allegiance because of lack of a Flag in the meeting room.

Minutes of January 8, 1987 approved, noting, on Page 2, paragraph one, that the new officers' titles are Chairperson and Vice-Chairperson, rather than President and Vice President.

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board of Supervisors, a copy of the 1987 revised compliation of the various boards, commissions, committees, and similar entities to which persons are appointed, nominated or confirmed by the Board of Supervisors.

- From Mr. Taylor, a listing of appointments to various City boards, councils, commissions, and committees with expiration dates in calendar 1987 and advising on procedures for applications for nomination to a vacancy with the Clerk of the Board, Room 235, City Hall.

- From M.H. Geistlinger, Director of Purchasing and Services, through Rudy Nothenberg, Chief Administrative Officer, a memorandum giving information needed for second report on implementation of the South Africa Divestment Ordinance.

- From Lisa Hopper, Program Administrator, Intergroup Clearinghouse, Inc., a memorandum announcing a January 28 meeting of the Clearinghouse, to be held from 12 to 1:30 PM at the S.F. Council of Churches, 942 Market 4th Floor.

- From Marcella Maxwell, Chairperson, City of New York Commission on Human Rights, asking Director Mickins or a member of his staff to serve as a moderator for the workshop on AIDS, ARC and Related Issues, to be part of the 39th Annual Conference of the International Association of Official Human Rights Agencies (of which the HRC is a member), in New York City July 11-17, 1987.

DIRECTOR'S REPORT

1. Staff resources are being drawn on heavily currently because of two major construction projects getting under way: the expansion of the Moscone Convention Center, estimated to be $180 million. This work is being handled by Linell Harden and Kevin Williams of the HRC staff, and the earthquake bonds rehabilitation work being undertaken by the City, with proposals issued through the City Controller representing approximately $50 million over a period of five years. The HRC has been required to prepare under great urgency MBE/WBE requirements and an Affirmative Action program applicable to that work.

CHAIRPERSON'S REPORT

1. Commissioner Jung was thanked for his hospitality in offering the traditional luncheon to members of the HRC and staff at the first meeting of the new year on January 8.

2. Ad Hoc Subcommittee on Women in Nontraditional Work.

The formation of this group grew out of concerns brought to the Employment Committee by a group of women carpenters in late 1986. Vicky Zimpel of the HRC staff has been working with representatives of the Employment Committee, women trade workers, and the HRC Director on the concerns about the under-representation of women in the trade industry workforce in the City and County.

The City Attorney is studying the HRC's Chapter 12B, the Nondiscrimination Ordinance, regarding possibilities of revision of the document, and the Employment Law Center is drafting such revision. Chairperson Soler said that the discussion will move in February to another planning meeting, thence (March and APril) through the Employment and Administrative Committees to the full HRC.

MBE/WBE/LBE COMMUNITY ADVISORY
David K. Yamakawa Jr., Chairperson

- 1. Revolving Fund/Prompt Payment Reports-Pansy Ponzio Waller.

Ms. Waller prefaced her reports by introducing Ms. Jennifer Paige, a student intern assigned to the HRC from Denison University, Granville, Ohio, who has been assisting in the work on these two issues.

Ms. Waller was assigned to coordinate work on implementation of the recommendations made in a report entitled, "Between a Rock and a Hard Place," a study commissioned by the HRC from Aileen C. Hernandez Associates, an urban consultant firm in the City, and submitted to the HRC September 30, 1985.

The study was on the impacts on minority-owned, women-owned and small businesses of bonding, insurance, and other fee- related requirements of departments and agencies of the City and County of San Francisco for businesses entering into contracts with such agencies.

- Revolving Fund:

One of the major recommendations of the Hernandez report was that.." a special revolving fund be established to make short term loans to qualified minority and women-owned businesses, under clearly defined guidelines."

The HRC's work on following up on the recommendations has entailed compilation of the findings of a questionnaire designed by Ms. Ponzio Waller, mailed to approximately 1,500 certified MBE/WBEs in the City and County. This survery asked details on the experience of the respondent companies in meeting City bonding requirements, if they encountered bonding difficulties, what kinds of bonding and what kinds of insurance they carry, etc. The survey also sought responses to any described problems in obtaining bids or contracts due to problems in meeting bonding, insurance, fee requirements.

Legislation to create the recommended Revolving Fund was introduced by former Supervisor, now City Attorney, Louise Renne in 1986. Supervisor Willie Kennedy has called it "from the file" at the Board of Supervisors, and input is now being provided members of the City Attorney's staff by a small task force created by the HRC for this purpose. Questions about administration duties of such a fund and about the total amount it should have been discussed.

The next meeting will be January 23 at Supervisor Kennedy's Office and will include input from a professional bonding/insurance.

Ms. Poznio Waller expressed gratitude for the very active role Commissioner Yamakawa has played in these discussions.

There was brief discussion of the pros and cons of the suggestion by Chairperson Soler that waiver of bonding and insurance requirements in certain instances be considered.

- Prompt Payment Policy

Members of the HRC staff met recently with Supervisor Gonzalez regarding the continuing problem of slow payment by the City to MBE/WBE/LBE s and all other businesses contracting with the City. This problem was also one of the recommendations of the Hernandez report: that "the Mayor and the Board of Supervisors enact into law a "prompt payment"policy similar to the one which is in effect at the state level requiring:...payment to small businesses on a priority basis, assessment of a penalty of ¼% of the amount due, per day, if payment has not been made with 30 days of the required payment date."

Commissioner Yamakawa reminded the HRC that it already has voted formally to adopt the recommendations of "Between a Rock and a Hard Place", the Hernandez report of September, 1985. Specific legislation recommendations on the above two subjects will be brought to the full HRC before submittal to the Board of Supervisors.

- 2. Committee Report.

The MBE/WBE/LBE Community Advisory Committee will next meet January 29, from 3:30 to 5:30 PM in the Third Floor Commission Room of the Main Library.

It is hoped it can bring the Minority/Women/Local Business Utilization Ordinance Performance Report FY 84-85 and FY 85-86 to the full Commission in February at a regular meeting.

ADMINISTRATIVE
George Suncin, Chairperson

- Proposed Technical Changes to Reasonable Accomodation Amendments to Chapters 12A, 12B, and 12C of the City Administrative Code-Norm Nickens, HRC AIDS Discrimination Representative.

In December, 1986, the Board of Supervisors passed amendments to Chapters 12A, 12B and 12C of the City Administrative Code. The amendments, requested by Supervisor Doris Ward, were designed to develop a consistent definition for disabiltiy under Chapters 12A-C, and to clarify the reasonable accomodation provisions of 12A-C. While the amendments do not affect Article 38, the AIDS Discrimination Ordinance, they do specifically include AIDS as a covered disability under Chapters 12A-C.

The amendments as adopted have been reviewed by staff and the Administrative Committee. On the basis of the review by staff, the Administrative Committee has recommended that one section of the new language be reworded. The section, as amended by the Board, currently reads:

> The contractor, subcontractor or supplier shall provide reasonable accommodationfor qualified applicants for employment and for qualified disabled employees. Said contractor, subcontractor or supplier need not provide reasonable accomodation if such would present an undue hardship. An undue hardship may include but not be limited to deminimus cost, violation of the seniority rights of other co-workers as established by a bona fide seniority system, or would present a health or safety risk to the emplgyee or co-employees.

- In order to clarify this section, and in order to be consistent with the Commission'srreasonable accommodationguidelines, the Administrative Committee has recommended the following language:

> The contractor, subcontractor or supplier shall provide reasonable accommodationif such would not present an undue hardship. In determining whether an accommodationwould impose an undue hardship, factors to be considered include, but are not limited to:
>
> 1). The overall size of the operation with respect to the number of employees , number and type of facilities, and size of budget;
>
> 2). The type of operation, including the compostion and structure of the workforce,
>
> 3). The nature and cost of the accommodation needed .
> The burden of establishing undue hardship rests on the employer.

The Administrative Committee has recommended that his language be forwarded to Supervisor Ward's office.

It was then

*****m/s/c that the HRC authorize that this recommended lanaguage change in the reasonable accomodation amendments to Chapters 12A, 12B, and 12C of the City Administrative Code be forwarded in its name to Supervisor Doris Ward.

- Budget Priorities of the HRC. -Vice Chairperson Suncin.

The Director has made presentations to the Budget Analyst's Office for five HRC budget needs:

1. The need for an MBE/WBE Services Deputy Director position.

2. The need for two additional Contract Compliance Officer I positions and one Contract Compliance Officer II position.

3. The need for the purchase of staff automobiles for professional staff with daily field-work, on site, and other inspection trips in the Bay Area.

- Discrimination Complaint Jurisdiction Issue Between the HRC and the Public Utilities Commission.

Some twenty years ago, the HRC delgated to the PUC, which has its own contract compliance staff unit, the handling ,investigating ,and monitoring of discrimination complaints brought by employees of the PUC's contractor and subcontractor firms.

Mr. Mickins said that the City Attorney office has since advised him this is not a power that can be delegated by the HRC to the PUC, nor can the powers of certification of minority or women-owned businesses.

Two meetings to discuss this issue have been held between the City Attorney and the two commission staffs, and Mr. Mickins said PUC President H. Welton Flynn has expressed his willingness to meeting to work out a solution to the problem.

- Proposed Bay Area Council of Human Rights Commission.

The San Mateo Human Relations Commission recently proposed that there be established a Bay Area Council of Human Rights Commissions with representatives of all Bay Area county and city commissions as members.

Jack Casford was asked to prepare a summary of the HRC's experience in past years as active members of the Northern California Association of Human Relations Directors.

- The HRC agreed at this meeting that participation of the HRC and its staff would be left up to the decision of the Director. Mr. Mickins pointed out that he has long been a member of the Board of Directors of the California Association of Human Rights Organizations. (CAHRO)

YOUTH AND EDUCATION

Allen B. Bennett/John Morrissey, Co-Chairpersons

- Committee Report.

1. At the Committee's December 18 meeting, Jed Emerson of the staff of the Larkin Street Youth Center, Polk Street Town Hall, gave a "Report on Homeless Children." He outlined many frustrations with present programs for homeless children, with a lack of long-term services, only a needs assessment and referral. Mr. Emerson requested Committee support of a resolution "Declaring Policy with Respect to Certain Issues Involving Abused and Neglected Youth" passed December 18, 1986 by the Social Services Commission.

   - The Committee voted to support it as a Committee and will bring it with a recommendation to the full HRC at a Februaryregular meeting.

2. At the Committee's January 15 meeting presentations were made by Rotea Gilford, Deputy, Mayor's Criminal Justice Council, Ms. Martha Henderson Health Program Coordinator, Community Substance Abuse Service, Department of Public Health, and Ms. Donneter Lane, a member of the Oceanview Merced

Ingleside Community Organization and a community activist. Commissioner Bennett noted that the three, respectively, represent the law enforcement, the education and prevention, and the community family-support approaches to substance abuse control.

The Committee learned, he said, that of approximately $1 billion announced as the federal government's allocation for substance abuse programs nationally, California will receive only $16 million. It was reported that there already is fierce competition between some California counties for their shares of this funding. It was noted also that law enforcement presently seems to get far more attention than education and prevention programs in substance abuse.

Ms. Lane made an urgent plea for concentration on providing support programs for families whose children are exposed to drug influences which tend to overweigh education and prevention instruction in the formal setting of school.

Commissioner Bennett said the discussion with the three experts resulted in the Committee learning "...more of things than we hoped we would ever hear."

NEW MATTERS

- Commissioner Lee introduced Martin Lee a third-year Hastings Law School student, who has been assisting the Lesbian/Gay Advisory Committee staff as a student intern.

- Requested Subpoena Powers in the matter of a complaint case filed with the HRC formally December 5, 1986 alleging discrimination by an employer on the basis of AIDS. Eileen Gillis is the HRC caseworker handling the complaint, which also was filed with the State Department of Fair Employment and Housing.

Director Mickins read from a subpoena document Ms. Gillis had asked that the HRC approve. The requested subpoena would require submittal by the respondent of documents pertaining to personnel policies and other materials deemed essential to investigation of the complaint allegations, and which the company has refused to provide or has provided only in part.

There ensued discussion as to the HRC's powers regarding issuance of subpoenas (which it has done infrequently in its history.)

****There was a brief recess while Director Mickins telephoned the City Attorney's Office for interpretation and clarification, and while members of the HRC studied Chapter 12A of the City Administrative Code wherein the HRC's powers and duties are outlined.

Director Mickins reported subsequently that he had been advised by Mara Rosales, Deputy City Attorney, that:

1. The "new" Brown Act, applicable to meetings of public bodies, precludes the HRC from acting on any agenda items that have not been published at least 72 hours before the regular public meeting on a formal agenda, and

2. The HRC must act collectively in the issuance of a subpoena, and cannot delegate that power to either the Chairperson or the HRC Director.

Mr. Mickins said the consideration of the request for issuance of a subpoena in the AIDS discrimination complaint case will be on the next regular meeting agenda of the HRC.

- Standing Committees Assignments for 1987.

Chairperson Soler will complete making Standing Committee assignments for calendar 1987 before the next regular HRC meeting.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, February 26, 1987 at 9 AM in Room 1200 in the State Building, 350 McAllister Street, in the Civic Center. February 12, the next regularly-scheduled meeting, has been cancelled, as that is Lincoln's Birthday, a legal **holiday**.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, February 18, 1987 5 PM Room 509, HRC Office, 1095 Market
ADMINISTRATIVE	Wednesday, February 4, 1987 5 PM Room 509, HRC Office, 1095 Market
EMPLOYMENT	Thursday, February 5, 1987 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, February 17, 1987 5:30-7:30 PM 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, January 29, 1987 3:30 PM Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, February 18, 1987 Noon Room 509 HRC Office 1095 Market Street
YOUTH AND EDUCATION	Thursday, February 19, 1987 3:30-5:30 PM Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
2/6/87

F
180
2
26/87

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION

Office of Minority/Women Business Enterprise

Office of Contract Compliance

Office of Dispute Resolution

Minutes of the Meeting of Thursday, February 26, 1987
Room 1194 State Building
350 McAllister Street, Civic Center

DOCUMENTS DEPT.
MAR 10 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, March 12, 1986
TIME: 9:00 A.M.
PLACE: Room 1200 State Building
350 McAllister, Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John Morrissey, John Moulton, Nicerita Revelo, David Yamakawa, Jr.

Excused: Corrine Lee, John Moylan, Sal Rosselli, George Suncin, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Pauline Anderson, Willie Campers, Jack Casford, Linda Chin, Eileen Gillis, Don Hesse, Ed Ilumin, Zula Jones, Clemente Newball-Obregón, Richard Norton, Bernedette Patrocinio, Pansy Ponzio-Waller, Gail Roberts, Carmen Smith, Mary Gin Starkweather, David Treanor, Kevin Williams, Jackie Winnow, Gary Wong.

Ralph Hurtado, Mayor's Office Liaison to the HRC.

Richard Bell, Kris Perry, student interns.

Richey Rice-Gore, observer from the Employment Committee

And the following members of the Minority/Women/Local Business Enterprise Community Advisory Committee:

Pat Cutler, Stephen Lee, Shirley Dimapilis

and, from various agencies, legislators' offices, and private businesses.

Art Blackwell, Aaron Chong, Ernie Lowe, Schatzi Mallory and Steve Talbot (both from KQED, covering the meeting), Rich Nichols, Sandra Crumpler, Don Todd, Eddy Lau, Kathy Matthews, Donna M. Anerson, Robert Grayson, Gerald Johnson.

Note: Some names on sign-up sheet were indecipherable.

PLEDGE OF ALLEGIANCE

Minutes of January 22, 1987 approved.

COMMUNICATIONS

- From Marcella Maxwell, Chairperson, Commission on Human Rights of the City of New York, inviting Director Mickins to serve as a moderator for a workshop on AIDS, ARC, and Related Issues, at the 39th Annual Conference of the International Association of Official Human Rights Agencies in New York City at the Sheraton Center July 11-July 17, 1987.

- Director Mickins responded affirmatively to the invitation and will serve as a moderator for the cited workshop.

- From Board of Supervisors President Nancy G. Walker, asking comment on a letter from Frederick E. Jordan, President, San Francisco Black Chamber of Commerce, to John J. Walsh, General Manager, Personnel, Civil Service Commission, re: Discrimination (complaint) Against Black Applicant for Employment by a Department of Public Works (DPW) Contract Compliance Officer II, and enclosing a copy of the letter.

- From Mara E. Rosales, Deputy City Attorney, a Memorandum/draft of a proposed HRC ordinance establishing the authority to enact a fee schedule.

- From John L. Taylor, Clerk of the Board of Supervisors, writing at the direction of the Board of Supervisors, and the initiative of Supervisor Richard D. Hongisto, to determine the status of any discrimination complaints that may have been filed against the War Memorial Board and War Memorial Commission.

- From fifteen individuals, representing Lesbian/Gay/Feminist, political and other advocacy organizations (eg., Harvey Milk Gay/Lesbian Democratic Club, Commission on the Status of Women, Legal Advocates for Women, SF NOW, Lesbian & Gay Caucus of California Democratic Party, etc.) a copy of a formal statement protesting denial, in 1982, of the West Coast Women's and Cultural Festival to rent Camp Mather, after renting it in 1980 and 1981. The cover statement, background and supportive resolutions were addressed to Mayor Feinstein, the Board of Supervisors, the City Attorney, members of the Recreation & Parks Commission, and its President.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a Memorandum regarding the award of a Department of Housing and Urban Development Technical Assistance Grant to San Francisco to provide technical assistance in fund raising and business planning to CDBG funded nonprofit agencies, in order to achieve greater self-sufficiency and financial stability.

- From Joan Marie Shelley, President, San Francisco Federation of Teachers AFT Local 61, announcing to HRC Commissioner Rabbi Allen Bennett a replacement of the local's Youth and Education Committee representative.

- From Board of Supervisors President Nancy G. Walker, a copy of her memorandum inquiry to Bill Witte, Executive Director, Mayor's Office of Housing Development, regarding performance bonding problems encountered by Theatre Rhinoceros.

- From Mark Guerra, Director, State Department of Fair Employment & Housing, announcing his resignation, and commending Donald Hesse, HRC Coordinator of Fair Housing Programs, for chairing the Northern California Housing Round Table during 1986.

- From Clerk of the Board John L. Taylor, reminding of the requirement that all department heads and Commissioners (in this case, of the HRC) are required annually to file Statements of Economic Interests by April 30, 1987.

- From Mr. Taylor, a copy of his letter jointly addressed to Harvey Rose, Budget Analyst, and Director Mickins, on the initiatives of Supervisors Willie B. Kennedy, Doris M. Ward, and Harry G. Britt, "for an audit of all City departments' records and data relative to their attempts to comply with the MBE/WBE ordinance for the 1985-86 fiscal year," and attaching a document listing specific concerns the audit should address to every City department.

- From Mayor Dianne Feinstein, responding to the Director's inquiry regarding prompt payment of contractors and development of a revolving fund (to assist minority and female firms in meeting bonding and insurance requirements). The Mayor expressed her support for the prompt payment proposal, but, regarding the revolving fund, wrote, in part, "I have doubts as to the proposal's practicality... given our current budgetary situation in which we are projecting a $20 million revenue shortfall."

- From Paul D. Hardman Ph.D., Commander, Alexander Hamilton Post 448 of the American Legion, enclosing a letter to Claude M. Jarman, Jr., President War Memorial Board of Trustees, requesting use of War Memorial Veterans' Building facilities Mr. Hardman's cover letter to the HRC outlined the difficulties in obtaining approval of the request, and alleged "..arbitrary discrimination."

- From Rev. Donald Jackson, complaining about the City's leasing Candlestick Park to the Catholic Church, because of.... "the church's blatant employment and housing discrimination practices." The Rev. Jackson also enclosed a copy of his letter to Mayor Feinstein commenting on the announced visit of Pope John to San Francisco.

- From Roberta McDonough, Director of Training, Civil Service Commissi.n, inviting Director Mickins to attend the first seminar of a new curriculum program for executives, senior and mid-managers, Win/Win Conflict Resolution on March 26-27.

- From Mark Guerra, Director, State Department of Fair Employment & Housing, to Donald Hesse (see earlier correspondence to Mr. Hesse from Mr. Guerra) announcing quarterly business meetings of the Northern California Housing Round Table.

- A copy of a Decision in a case heard on behalf of the State Fair Employment and Housing Commission v. Raytheon Company/Estate of John E. Chadbourne, Complainant-Intervenor (a case involving a Finding of Discrimination against the handicapped by Raytheon Company, in employment on the basis of AIDS.

No Chairperson's Report.

DIRECTOR'S REPORT

- The staff has been working in compiling and verifying the backup data required for the presentation under the MBE/WBE Advisory Committee agenda at today's meeting.

- Work continues on preparation of the HRC Budget for Fiscal 1987 and other administrative affairs.

STANDING COMMITTEES

MBE/WBE/LBE Community Advisory Committee
David K. Yamakawa, Chairperson

Commissioner Yamakawa read in full the agenda items calendared for this meeting. He noted that implementation of Chapter 12D of the City Administrative Code, the Minority/Woman/Local Business Enterprise ordinance program, is at mid-point in the five-year duration of existence specified when it went into effect in August of 1984.

The Commissioner explained what the procedures would be, how items would be presented, and reported on the work of the Committee in drawing up recommendations, in addition to broader community concerns.

1. Concerns of members of the MBE/WBE/LBE Community Advisory Committee and Representatives of the Coalition for Economic Equity.

Speakers from the audience were invited to make their statements under this agenda item.

First to speak:

Ms. Eva Jefferson Paterson, Asst. Director, San Francisco Lawyers' Committee for Urban Affairs, a member of the Advisory Committe & one of the attorneys for the Coalition for Economic Equity, a community group that was first organized to advocate establishment of an MBE/WBE/LBE program through the HRC.

Ms. Patterson very briefly stated the background for community recommendations that Chapter 12D be passed and the MBE/WBE/LBE program established, namely, that with 40% of Bay Area businesses owned and operated by women and minorities, these businesses' proportion share of City contracts in a given study period was 1.7% public hearings established a long pattern of nonparticipation, and the Chapter 12D Ordinance was introduced, passed, and signed into law in August of 1984. A court challenge to the constitutionality of the ordinance by the Associated General Contractors failed both at the United States District Court (in 1985) and also at the U.S. Ninth Circuit Court of Appeal (in 1986).

Ms. Paterson then stated that "...the ordinance has not been executed as properly as it should be...."

She detailed several basic concerns:

1. Lack of City commitment to the goals of the ordinance (Chapter 12D). (Commissioners had, in advance of this meeting, been provided with draft Performance Report for Fiscal Years 1984-1985 and 1985-1986, both a summary and a 19-page narrative, with ten statistical tables and three appendices.)

Ms. Paterson stated that there had not been sufficient direction from the Office of the Mayor.

2. Active circumvention of the ordinance (by City departments).

3. Faulty data.

4. Certification of the giant WANG computer corporation as a minority-owned business, when it is, in fact, a public stock-issue company whose original owner and family no longer own controlling interest.

Ms. Paterson cited Sec. 12D.6. (A) 2. of Chapter 12D, which reads that the HRC is empowered to"... 2. limit the applicability of the Ordinance to MBEs and WBEs which require assistance in developing their status and capability as prime contractors;..."

5. Abuse of the waiver provisions on the Ordinance, specifically the granting of waivers to Chapter 12D requirements on the basis that a business is a "sole source" of a product or service.

6. Inadequate enforcement of the Ordinance as a whole by the HRC.

7. A demonstrated decline in the percentage of City contracting dollars going to Black-owned businesses.

8. Public Utilities Commission unilateral powers outside the HRC.

She recommended that the HRC be given more enforcement power and support, and that a group of Coalition for Economic Equity and Advisory Committee representatives cooperate with HRC members and staff in working out plans to enhance and improve Chapter 12D enforcement. She suggested also that they go to the Mayor with their concerns.

If the HRC does not or cannot carry out its enforcement duties, she said, there are suggestions that a separate agency be formed to do so.

Ms. Paterson did state that as a result of Chapter 12D, more business since 1964 has gone to minority and women-owned businesses. But despite this fact, she concluded, much better enforcement and coordination can be achieved, and is a must.

Ms. Paterson responded to questions from Commissioners Morrissey and Moulton.

She stated also that "..there is still racism and sexism in society" and that some segments of the City still believe that women and minority-owned firms cannot perform adequately in contracting obligations.

James D. Jefferson, President of the San Francisco Black Chamber of Commerce,& a member also of the Coalition for Economic Equity. He illustrated his presentation with two statistical charts.

He noted that it was at the initiative of the Coalition and the Black Chamber of Commerce that Chapter 12D finally was passed, after years of observing and suffering from (on the part of minority-owned businesses) the operation of the "old boy network" in City contracting.

Mr. Jefferson stated that despite the optimism of his community when 12D was passed, the "old boy network" is alive and well, and that the HRC has failed in its enforcement and monitoring responsibilities. He referred to his charts, referring to data from two City departments, which, he said, shows that:

---contracts are still awarded without competitive procurement (and he named several major City contract projects.

---many City departments are inflating the information they are reporting on their commitment to 12D.

He then compared performance data on one contract reported by the Public Utilities Commission from his chart, saying that a substantial proportion of reported minority contracting went to one minority-owned brokering firm, which kept only 12% of the total reported, thus reducing the actual amount to an MBE, far below the MBE figure reported by the agency.

He said that currently there exists a ..."new level of sophistication relative to front companies.." and he charged that the HRC has not done enough with respect to digging into the background verification for certification. He alluded to the Wang Corporation certification Ms. Paterson had talked about. Mr. Jefferson cited other majority-owned, well-established local firms by name that have been certified under 12D, and said, "..we lay the blame for this situation on the doorstep of the HRC."

He cited examples of what he called further failures by the HRC:

1. Performance data is two years old, and has just now been provided.

2. Data appears to be inflated: '506% increase in MBE contracting; 2100% increase in WBE contracting, Black participation up from 2.8% to more than 25%.' He said he and his colleagues are demanding supportive data for such figures, and criticized the HRC as "...accepting anything the departments submit.'

3. A decline of 58% in Black contract participation over two years.

Departments that are targeted to comply with 12D, he said, take on "favorite minorities" contractors.

Mr. Jefferson then stated that "The HRC is in our opinion ill-equipped to deal with implementation of this ordinance." He said the need is to create a separate office of contract compliance to do monitoring and enforcement, staffed with persons trained specifically in the work.

He urged that there be an independent audit of the data needs to be done by the HRC.

HRC members and staff join with his colleagues to go to the Mayor, the Board of supervisors, and the public to deal with these problems.

He concluded with this statement: "We will not tolerate this kind of activity by the HRC or anybody else, not for a moment long, not for a day long."

Mr. Jefferson was asked if his concerns had been communicated to the Director, and he responded that Mr. Mickins had attended the most recent meeting of the MBE/WBE/LBE Community Advisory Committee

---

Mr. Samuel Norman, counsel to the San Francisco Black Chamber of Commerce, and a member of the Coalition for Economic Equity.

Mr. Norman said has been a minority business lawyer for the past ten years. He said that the distribution of resources is a long-standing problem in the City, and that the persistence of racism in society was a major part of the problem. He said lack of enforcement as perceived is divisive within the groups covered. He said that 12D is a "good ordinance" formed "with good intent."

He said one of the major problems is the failure to impose sanctions when there is a clear violation of the intent and spirit of 12D. He called for strict review of joint ventures, and investigation as to "..who eventually gets the money.." He said such conditions lessen the credibility of the HRC in the community.

Mr. Norman also said that the HRC is "inundated" with work, with continuing responsibilities in housing and employment, beyond its 12D obligations, without the staff to advise the community of its powers and to demonstrate its resolve to enforce and monitor.

He strongly urged that sanctions be imposed in those situations where there is found intent to circumvent 12D, and he stressed that those sanctions are in 12D as written and passed.

- Chairperson Esta Soler asked the Director instances of imposition of sanctions in the past two years.

Mr. Mickins responded that in 1986 a company was assessed a $10,000 fine, and that currently a case is pending with some $300,000 imposed penalties under submission before a Hearing Officer and awaiting Commission review.

Ms. Esta Soler said that there continues to be a critical need for wide dissemination about the existence of 12D, of the procedures possible, of the role of the HRC in implementation, and so forth.

Mr. Norman said that because of the diversity of standards by outside Bay Area agencies for certification, he was no longer recommending that joint certification be followed.

Chairperson Esta Soler than asked Mr. Norman if there were anything about the contracting procedure under 12D that is working well.

He answered that many things are working well; that the contracting process itself is working well, and that in most cases the Requests for Proposal (RFP) are going out, and said that there is no one area of contracting that works well all the time.

He concluded with, "We can clearly see that there is malicious intent on the part of the larger segment of the population to circumvent the ordinance surely to the detriment of the Blacks.."

- Mr. Harold Yee, President of Asian, Inc., and a member of the Coalition for Economic Equity.

Mr. Yee said he felt that a prevailing attitude in City contracting departments is that minority firms are inadequate in performance, calling it a "guilty until proved innocent" attitude. He said he is asking the members of the HRC to assure that what is done in their name be "credible and the truth." "No report," he said, "should be issued with contaminated data." He said there is a tendency as well to perpetuate discriminatory policies of the past. Mr. Yee suggested that remuneration at the end of a year to contractors be tied to their accomplishment of affirmative action goals.

Other points touched on by Mr. Yee included: accountability of data; an independent audit of certification and MBE status claims; a study of the "favorite minority" problems; noncertification of foreign-owned firms; goals reflective of ethnic sensitivities; a separate office of contract compliance; and lack of adequate personnel in the HRC to carry out 12D monitoring and enforcement.

Mr. Carl Williams, an attorney, former head of the San Francisco Housing Authority, and a member of the Coalition.

Mr. Williams said he supported the positions of the speakers preceding him. He said that the MBE program is doomed to failure unless each City department head is held accountable by the Mayor for compliance. He said that in his opinion the HRC serves as the conscience of the City for equal opportunity and human rights, and he recalled that in the early inter-departmental discussions of the proposals for passing Chapter 12D, not one (he emphasized these words) of the City department heads was in favor of it. He said that he felt that to this date there is no clear moral commitment to the goals of Chapter 12D. He suggested that the annual performance reports required by the Mayor of each department head be required as well to state what they have done and intend to do with respect to implementing 12D, and that these reports be reviewed either by the HRC or by another entity.

"Unless you do take a strong stand... this very vital piece of legislation (should) be taken out of your hands and placed somewhere else where it can be effectively enforced," he concluded.

No one then responded to the Chairperson's invitation for any other members of the Coalition for Economic Equity or the Minority/Women/Local Business Community Advisory Committee who wished to speak.

Commissioner Yamakawa then invited other members of the audience to state their concerns. Three persons indicated a desire to do so.

- Chairperson Esta Soler noted that Mr. Jefferson had asked if the HRC has information on those companies he named which should not have been certified, and she asked staff to provide this information at this meeting if they have it, or if not, at a later meeting.

Mr. Ralph Hurtado, Liàison from the Mayor's Office to the HRC. Mr. Hurtado said that he wished to clarify a quotation by an earlier speaker attributed to the Mayor regarding performance by minority contractors, specifically what a department head can do about a contractor who is not performing. Mr. Hurtado recalled that when Mr. Hickins earlier reported to the Mayor about nine City departments that had failed to provide performance data required, she asked for their names, and ordered that the data be provided by the next Monday.

Mr. Hurtado urged that the Mayor's Office be kept more abreast of problems such as had been delineated in previous presentations.

Mr. Arnold Baker, Director, Contract Compliance, Public Utilities Commission, distributed copies of a Paratransit Broker Agreement between the PUC and the U.S. Human Resources Corporation, referred to earlier by Mr. Jefferson. Mr. Baker read a long section from this Agreement, indicating duties of the Contractor involving the delivery of substantial services, but was reminded by Chairperson Esta Soler that the HRC could not at this time and place evaluate a long contract thoroughly.

Mr. Thomas Rickett, Manager, Elderly and Handicapped Program for the San Francisco Municipal Railway. Mr. Rickett spoke for some time on the subject of brokerage.

Mr. Gregory Watty, Controller/Treasurer of the U.S. Human Resources Corporation, followed Mr. Rickett, and he also explained in detail the script books issued under the contract for taxi service for the handicapped.

Chairperson Esta Soler reiterated that the HRC is concerned with what MBE credit was given the subcontractors under the Agreement, not its internal operation as such.

Referring to her earlier call for information on companies cited by Mr. Jefferson as improperly certified, learning that the information was later Human Rights Commission meeting.

She noted that, as a result of the presentations thus far:

1. The HRC now has on record concerns about certification and monitoring.
2. That the data thus far is only aggregate, and that more detailed data (dollar amounts, whom contracts are going to, what the contracting procedures are, etc.) is needed.
3. That the HRC must be beware of universal certification.

She noted that this had been the first time the full HRC had been able to take a "full look" at the implementation of the ordinance, and that they share the responsibility. She said the HRC will not look defensively on suggestions that a separate office of contract compliance be set up. She pledged that all the data thus far, the information through the presentations and otherwise, internal and external, would be the basis for thorough discussion at the next Administrative Committee meeting Wednesday, March 4 at 5 PM at the HRC Offices. She said the HRC is eager to accompany the community to the Mayor, to the Board of Supervisors, to develop a plan to address all these issues and concerns. She thanked all speakers, and praised their obvious commitment.

- Chairperson Esta Soler then declared a two-minute recess.

When the meeting re-convened, at 11:22 A.M., the Chairperson asked that, since the room had to be vacated by 11:30A.M., the remainder of the agenda be postponed to the next regular meeting of the HRC on March 12.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday March 12, 1987, at 9 A.M. in Room 1200 in the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, March 18, 1987 5:00 P.M. Room 509 HRC Offices, 1095 Market St.
ADMINISTRATIVE	Wednesday, March 4, 1987 5:00 P.M. Room 509, HRC Offices, 1095 Market St.
EMPLOYMENT	Thursday, March 5, 1987 9:30 A.M. 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, March 17, 1987 5:30 - 7:30 P.M. 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, March 19, 1987 3:30 P.M. Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, March 19, 1987 3:30-5:30 P.M. Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:np
3/5/87

SF
480
2
12/87

DOCUMENTS DEPT.
MAR 30 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, March 12, 1987
Room 1200 State Building
350 McAllister Street, Civic Center

NEXT MEETING

DATE: Thursday, March 26, 1987
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John Morrissey, John Moylan, Nicerita Revelo, Sal Rosselli, George Suncin, Brenda Wade, David Yamakawa.

Excused: Rabbi Allen Bennett, Corrine Lee.

It was announced that Mayor Feinstein has appointed Rosemarie Fernandez, Esq. to the HRC. Commissioner-designate Fernandez succeeds Commissioner Moulton.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Linda Chin, Eileen Gillis, Zula Jones, Veronica Ng, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather, Kevin Williams, Jackie Winnow, Gary Wong, Vicky Zimpel.

Observer: Sandra Crumpler, Outreach Officer, Airports Commission.

Richard Bell, Student intern

GUEST: John L. Taylor, Clerk of the Board of Supervisors, who was introduced and welcomed by Chairperson Soler.

No Pledge of Allegiance as a Flag is not provided in Room 1200.

Minutes of February 26, 1987 approved with one addition, at the request of Commissioner Morrissey:

On page 10 after the fifth paragraph, and before the motion to support "...an adequate (outside) audit of the MBE/WBE/LBE performance...":

insert: "The discussion about any proposed audit included recognition that the audit should be done efficiently, would not be duplicative of any other outside audit, and might be done by appropriate sampling methods"

COMMUNICATIONS

- From Mara E. Rosales, Deputy City Attorney, and Director Mickins, a memorandum to all department heads of February 23, 1987 regarding the MBE/WBE/LBE Ordinance, and advising on a crucial provision of the Ordinancethat is not mentioned in some contracts in order for the City to recover liquidated damages in the event of bad faith violation, specifically Chapter 12D Section 12D.8 (C) 3. A further requirement provision, regarding liquidated damages assessments being payable to the City and County on demand set off against any monies due a bidder, contractor or subcontractor, also is cited in the memorandum, with the request that it be circulated to all employees who handle. the formation and/or award of contracts.

- From John L. Taylor, Clerk of the Board of Supervisors, on the initiative of Supervisor Willie B. Kennedy and for the Board, inquiring to determine what the projected costs would be to the HRC if staff were added to handle "...the apparently growing number..."of AIDS discrimination cases reported.

- From James W. Callison, Senior Vice President, General Counsel & Secretary, Delta Airlines, Inc., Atlanta, acknowledging a meeting of Delta representatives with the Lesbian/Gay Advisory Committee on February 17, 1987 in San Francisco, and stating Delta's steps to increase educational efforts (in-house) with respect to AIDS. See report from HRC Lesbian/Gay Advisory Liaison worker Jackie Winnow in these Minutes under Lesbian/Gay Advisory Committee report.

- From Supervisor Jim Gonzalez, urging that the HRC Fair Housing Unit continue to issue copies of the "Guide to Your Rights-For Tenants and Landlords" in the Spanish language. This booklet, issued in Spanish, Chinese, and Tagalog, has been distributed by the HRC under a funding grant from the Chevron Corporation since 1982.

- From Robert T. Wong, Ph.D ., C.E., President, Allstate Geotechnical/ Engineering Services,Consulting Engineers, commending Kevin Williams, an HRC Contract Compliance Representative, for his work in affirmative action implementation for the Moscone Center Expansion project.

- From Mayor Dianne Feinstein, commenting on her review of the Management-by-Objectives performance of the HRC for the 1985-1986 fiscal year, and noting that the HRC successfully achieved greater than 60% of the objectives set. Significant areas of performance cited include: implementation of the MBE/WBE/ LBE Ordinance in its second year and "great strides" made to increase participation of the targeted populations; Lesbian and Gay outreach and services provided; Dispute Resolution; housing-related complaints exceeding all targets; and the work of the Intergroup Clearinghouse for needs assessments, community intergroup education projects, membership recruitment, and direct action projects.

- From Dennis P. Bouey, Deputy Director, Airports Commission, stating, in reference to the joint memorandum from Director Mickins and Deputy Ctiy Attorney Rosales of February 23 (cited above), that Airport contracts do, in fact, contain the appropriate language. Mr. Bouey also requested explanation, of the HRC process followed in checking on contractor compliance, and a listing of any Airport contractor found in noncompliance with HRC regulations.

- From Jerry Wright, Executive Director, Young Community Developers, Incorporated, a copy of a letter to Jack Graves, Vice-President/Construction, Marriott Corporation, Washington D.C. (with copies to a number of others, including the Mayor, the Redevelopment Agency, the Board of Supervisors, the Office of Community Development, etc). protesting an alleged "racist remark" made by a representative of Marriott Corporation in San Francisco March 2, 1987 at a meeting regarding "good faith" and affirmative action hiring goals.

- From Mara E. Rosales, Deputy City Attorney, to Director Mickins, advising on a request concerning whether Golden Gate Parking Co., is required to replace its WBE partner in a joint venture to which the Parking Authority awarded a lease. Ms. Rosales wrote that after analysis, "...Golden Gate Parking must make every feasible good faith effort to do business with another WBE or MBE partner.

- From Mary Pittman-Lindeman, Director of Planning, Department of P Health, to Commissioner Lyon, giving an update on progress of the Women's Health Committee, an organization representing a number of agencies or groups, both public and private, concerned with the inadequate health care resources available to women in San Francisco. The committee meets at the Department of Public Health, 101 Grove Street.

- From M.H. Geistlinger, Director, Purchasing and Services, Purchasing Department, Minority Business Development Program, (with Director Mickins and Adlebert L. Campbell, Manager, MBE/WBE Development Program), announcing joint sponsorship by the Purchasing Department and the HRC of a two-hour training workshop for departmental personnel who are directly responsible for the implementation of the MBE/WBE/LBE Ordinance, scheduled for Monday, March 23, 1987, from 10 AM to Noon, Room 282, City Hall. Registration is with the Purchasing Department, MBE/WBE Program, Attn: Ben Kawamura, 554-6749.

- From David Werdegar, M.D., M.P. H,. Director of Health, Department of Public Health, to Commissioner Lyon regarding her letter on appointment of a Lesbian/Gay Health Coordinator.

- From Lieutenant Louis Calabro, San Francisco Police Department, Richmond Station, a copy of his February 6, 1987 Memorandum to Captain Richard J. Shippy, Richmond Station protesting the Women Peace Officers Association Award of Professional Achievement as "...discrimination against male officers..."

NO CHAIRPERSON'S REPORT

SPECIAL ORDER

A. Request for Subpoena (Kears vs. Neiman-Marcus)-Eileen Gillis.

Commissioners were provided copies of: a letter from Ms. Gillis, Lesbian/Gay Liaison worker for the HRC, to Ms. Hollis M. Fitzgerald, Sheppard, Mullin, Richter & Hampton (attorneys for Neiman-Marcus), of January 30, 1987, requesting additional documents necessary in her investigation of an AIDS discrimination complaint filed by Bruce Kears, a Neiman -Marcus employee, with the HRC against Neiman-Marcus. Ms. Gillis made five separate requests for documents and records, plus information concerning corporate leave of absence policies for pregnant employees prior to 1973. In a letter of response dated March 4, 1987, from Ms. Fitzgerald, she stated that, in general, obtaining the requested information or documentation would be "overly burdensome and oppressive...", and requested dismissal of the case as sufficient evidence to uphold the allegations was not apparent.

Ms. Gillis then summarized from her one-page Memorandum of background and status information also provided the Commissioners, with a verbatim chronology leading up to the request for the subpoena.

Under Section 12A.5. of Chapter 12A of the City Administrative Code, (a) the HRC has the power to issue a subpoena.

It was then

*****m/s/c to approve issue of a subpoena (as perfected by the City Attorney) in case of Bruce Kears vs. Neiman-Marcus.

DIRECTOR'S REPORT

1. Staff and HRC Followup to Concerns of the Coalition for Economic Equity and members of the MBE/WBE/LBE Community Advisory Committee as Expressed at the HRC Regular Meeting February 26, 1987.

On March 11, the Director, with Frank Anderson and Kevin Williams of the HRC staff, attended the Black Agenda Council meeting, Supervisors Doris Ward and Willie B. Kennedy, Co-Chairs, in which these concerns were an agenda item for discussion. Mr. Mickins addressed both the specific and general concerns raised on February 26 by James D. Jefferson, President of the Black Chamber of Commerce. Mr. Jefferson also was present and participated in the Black Agenda Council discussion.

One topic, Mr. Mickins said, was to ascertain what plan of action the Coalition of Economic Equity had in mind as far as the creation of a separate agency (from the HRC) to implement the MBE/WBE/LBE Ordinance, as called for in legislation being proposed currently by Supervisor Kennedy. That proposed ordinance is presently being studied by the City Attorney. Mr. Jefferson, Mr. Mickins said, offered that the Mayor's Office might be that separate agency for this implmentation work. Supervisor Kennedy said that her office will be in touch with the HRC and the Director before any final draft of the proposed legislation is introduced.

Mr. Mickins said that Supervisor Kennedy stated, further, that the call for a separate entity of implementation of 12D may not mean that it be separate from the HRC's mandate, a point then echoed by Mr. Jefferson.

Mr. Mickins said he felt that the HRC's position had been well-presented at the Black Agenda Council meeting, and that the HRC had pointed out, in addition, that there were issues that could well make the MBE/WBE/LBE program a target particularly if it were a separate entity from the HRC operation.

There was no Council official action on March 11, he said, only discussion of the topic.

2. HRC Budget for Fiscal 1987-88.

The Mayor's discussion of the HRC budget request will be on Tuesday April 7 at 11 AM, and she has invited members of the HRC to participate with the Director and staff.

3. Boarding Area E Contract "Flap" at the Airport.

Questions and problems were recently in the press over the legality of some of the language in the bid specifications for a construction improvement project for Boarding Area E at San Francisco International Airport which has previously been noted before by the Director in his reports to the HRC and which culminated in rejection of a bid by the Airports Commission at its regular meeting March 10. Among the issues of serious import were questions of jurisdiction as well as the concern that bid language reflect the implementation of the Ordinance consistent with representations the City has made in defense of the Ordinance in legal and appellate proceedings currently pending before the U.S. Court of Appeals. There remains also, Mr. Mickins said, some question about jurisdiction for implementation of Affirmative Action in the cited project. Mr. Mickins said he hoped that at some point this question can be resolved. "There is no way", he said, "that the areas that are now very clearly within the HRC's jurisdiction can be delegated," and he noted the previously-reported questions relative to the Public Utilities Commission's exercise of contract compliance/affirmative action powers.

ADMINISTRATIVE

George Suncin, Chairperson

- To applause from all, Chairperson Soler announced that Commissioner Suncin and his wife became parents of a daughter whose name is Melissa at 3 AM, on this date.

1. Committee Progress Report on Response to MBE/WBE/LBE Concerns.

Commissioner Suncin discussed in detail the regular March 4 meeting of the Administrative Committee and the special meeting of March 10. He based his presentation on the minutes from those two meetings, which are quoted here verbatim as written by Gail Roberts, of the HRC staff:

Nine Commissioners and ten members of the Staff, including the Director, were in attendance at the March 10 special meeting of the Administrative Committee. The Committee held its regular meeting on March 4 with seven Commissioners and 13 staff in attendance.

At the March 4 meeting, the MBE/WBE/LBE concerns articulated at the February 26 HRC meeting were discussed at length. It was noted that Supervisor Kennedy, joined by Supervisors Molinari and Ward, has requested the establishment of a separate office to implement the MBE/WBE/LBE Ordinance (at the March 2, 1987 meeting of the Board of Supervisors). Members of the HRC staff voiced their objection to not having the charges aired at the February 26, HRC meeting refuted at that time. Phyllis Lyon stated that the Board of Supervisor s hearing to consider establishing a separate office will be the appropriate place to rebut charges. Chairperson Soler urged that everyone who has benefited from the implementation of the Ordinance should be at that hearing to testify. Commissioner Chung recommended analyzing the concerns, retabulating data when necessary, such as contracts (improperly credited) to Wang, and identifying the categories of contracts to ethnic groups which are not proportionately represented by type of business.

The Director stated that the monitoring of Public Utilities Commission contracts belongs under HRC jurisdiction and this will happen. In reviewing the concerns raised at the February 26 meeting, Grant Mickins explained that the Bechtel contract for the Moscone Center was awarded without bid or RFP (Request for Proposal) by the then Chief Administrative Officer, Roger , and the Crosby, Thorne, and Martin contract for Candlestick Park luxury boxes was awarded on an emergency basis through the Mayor's Office. He noted that departments have been slow in submitting data, and that turned in was frequently, incomplete. Vicky Zimpel explained a chart she and other HRC staff had prepared, noting the departments; their total contracts including HRC certified MBEs, certified WBEs, certified MBEs (less Wang), all MBE and WBE listed by the reporting departments, including those whose certification is pending, and without Wang), total contracts in draft performance report; MBEs in report, WBEs in report, and Wang amount. Not all the departmental contracting data had been submitted by the time staff tabulated the data. The MBE participation was still above 25 percent, however, the WBE participation was about 2 percent.

Grant Mickins emphasized that now is the time, in the life of the MBE/WBE/LBE Ordinance, to limit the size of businesses which benefit from the provisions of the ordinance to disadvantaged businesses, as determined by the gross receipts and/or number of employees.

Chairperson Soler stressed the need to develop strategy for responding to concerns and for implementing the MBE/WBE/LBE program. The development of strategy was to be the focus of the March 10 special meeting.

Commissioner Lyon reported on the March 5, meeting she and David Yamakawa had with Deputy Mayor Hadley Roff, where they stressed the need for additonal staff for the HRC and particularly for a head of the MBE/WBE/LBE unit. Commissioner Martin related his meetings with Supervisors Kennedy, Molinari, and Ward. Grant Mickins described a meeting he had had also on March 5 with Hadley Roff and Ralph Hurtado. He felt that they were supportive. He then distributed to the Commissioners copies of a March 5 memo from him to the Mayor and Deputy Mayor. The Director proposed that: 1. The PUC be requested to begin the immediate process to transfer the function of the Contract Compliance Office, together with the personnel, to the HRC, 2. the Mayor assign a member of her staff to work directly with the HRC in urging departments to provide timely and accurate information; and 3. a member of the Mayor's staff review the existing organizational structure of the MBE/WBE/LBE program under the HRC and provide a report on any necessary management changes needed to enhance the functional operation of the program. A meeting to begin the Mayor's Office review of staffing has been set for Friday, March 13.

Director Mickins reported on the strong support the HRC staff has been receiving from MBEs and WBEs subsequent to the February 26, HRC meeting. Fifteen to sixteen truckers have signed a petition of support which they are sending to the Supervisors and the Mayor. Several other examples were cited.

The Director explained the staff reorganization which took effect March 9, 1987. Pansy Ponzio Waller is responsible for the collection, compiliation, reporting and presentation of all MBE/WBE/LBE data. Priority is to be given to coordinating and condensing the collected data from the 84-85 and 85-86 draft performance reports and preparing the final report for presentation to the MBE/WBE/LBE Advisory Community Committee and the full HRC for adoption. The April 16 meeting of the Committee is the targeted date for presentation of the report. Pansy has assumed the on-going responsibility to collect quarterly departmental MBE/WBE/LBE data and review and monitor the process preparatory to submission of the annual MBE/WBE/LBE performance report. Clemente Newball-Obregón has a assumed the entire task of collecting, reviewing, monitoring departmental MBE/WBE/LBE plans, and drafting staff recommendations regarding the sufficiency of these plans. Frank Anderson is responsible for MBE/WBE/LBE as it relates to the departments and to the certification of companies providing goods and services. Pansy, Clemente, and Gary Wong are under Frank's supervision. Vicky Zimpel is in charge of contract compliance which includes participation.of MBEs and WBEs in contracts, and certification of MBEs/WBEs/LBEs in construction and A/E. Linell Harden took over the monitoring of MOHED contracts formerly handled by Pansy.

Grant Mickins noted that a few (approximately) of the 49 City departments do more than 90 percent of all contracting, and 13 departments award no contracts except through Purchasing. Purchasing (reportedly) awarded nearly $46 million in FY 85-86, second only to PUC. Of that, 11.37% went to MBEs when the $1,949,513 to Wang is included, and 7.12% when Wang is excluded. WBEs accounted for 4.51%. The performance by Purchasing is woeful, particularly in light of their being in the third year of a grant from the Minority Business Development Office of the U.S. Department of Commerce to promote MBE utilization by the City and County of San Francisco.

Two proposed amendments to the MBE/WBE/LBE Ordinance for presentation to the March 19 meeting of the MBE/WBE/LBE Advisory Community Committee were discussed. They were: 1. to limit the benefits of the Ordinance to disadvantaged MBEs/WBEs, using a definition comparable to that used by the federal government; and 2. to define a department as being in noncompliance if contracting data and MBE/WBE plans are not submitted within 15 days of the due date. The Mayor could apply penalties to departments such as not approving personnel requisitions or withholding funds.

Commissiner Suncin stressed that the amendments will be considered again at the Administrative Committee meeting.

The KQED program Express, scheduled for airing Wednesday, March 25, will focus on the MBE/WBE/LBE program. The taping before a studio audience will take place on Monday, March 23, beginning at 7 PM. Grant Mickins will be on a panel. Some staff and Commissioners have been invited to be in the audience. A KQED film crew was present at the February 26 meeting and did record that meeting.

Commissioner Morrissey proposed and Chairperson Soler expanded on the proposal that the HRC schedule a hearing to have a formal review of the operation of the MBE/WBE/LBE Ordinance, including the performance of specific departments, eg., Purchasing and testimony by MBEs/WBEs. Discussion of the proposed hearing has been scheduled for the April 1 meeting of the Administrative Committee. Vicky Zimpel noted that MBEs and WBEs are, by definition, in business and the HRC's request for their support through appearance as Board of Supervisor's and HRC hearings and by letter writing should be prioritzed.

Director Mickins stated that Supervisor Kennedy, joined by Supervisors Britt and Ward, requested, at the March 9 Board of Supervisors' meeting, that Harvey Rose conduct an audit regarding departmental compliance with the MBE/WBE/LBE Ordinance. That audit has begun.

The planning of strategy has been continued until the April 1 meeting of the Administrative Committee.

- At this point, Commissioner Jung spoke at some length about the meetings he has been attending with various City officials as a followup to the concerns expressed at the HRC's February 26 meeting. He called for an energetic, positive response by the HRC to these concerns.

- It was announced by Chairperson Soler that Bice-Chairperson Suncin has been asked to assume the chairmanship of the MBE/WBE/LBE Community Advisory Committee.

- The Chairperson paid special tribute to Commissioner Yamakawa, who has chaired the Advisory Committee since its inception, and thanked him for his leadership service in that position.

- Director Mickins asked to add some comments to the Administrative Committee report. He reported that as of March 11, the HRC had obtained virtually all specific data (aggregate) for the Performance Reports, for Fiscal 1984-85 and Fiscal 1985-86 for the MBE/WBE/LBE Program from all City departments save one. The data shows, he said (see above excerpt from Ms. Roberts' account) that seven major City departments do some 90% of all contracting, while some departments act as "clearinghouses" for the contracting of other departments. An example is the Purchasing Department, which, he said acts as a clearinghouse for all goods and services required by other departments. These major contracting City departments include: the Department of Public Works, the Public Utilities Commission, the Airports Commission, and plus the Purchasing Department. The latter department, however, he said, has a "serious problem" as far as performance in reaching the participation goals for MBEs and WBEs. Mr. Mickins pointed this out in a meeting with the Director of the Purchasing Department March 11.

- Vicky Zimpel , HRC Coordinator for Construction and Architects and Engineers Contracting was requested to respond to allegations that three large HRC-certified MBE construction firms cited specifically by James Jefferson at the February 26 HRC meeting are in fact nonminority. She stated that all three are owned by persons of Hispanic origin, and they are recognized as such in the community. A thorough investigation of each has been conducted, she said.

She said that Mr. Jefferson had called her the day before the February 26 HRC meeting to ask what large firms had been certified for construction, and that he subsequently referred to them as nonminority in his February 26 presentation.

There was some discussion, initiated by Chairperson Soler, at this point, on the gross receipts size of the disputed three companies names by Mr. Jefferson. Ms Zimpel reported that all three exceed the $ 7.5 million level, which is the mandated limitation in Chapter 12D currently for general building and engineering contractors,. There are proposals at present to amend Chapter 12D to set a limit of admissibility.

Commissioner Yamakawa was told, in answer to his inquiry, that possibly only one of the three companies would have come within the ($17 million) definition limit set by the federal Small Business Administration for general building and engineering contractors.

The Director said that the City Attorney had advised that such information (gross receipts, taxes, etc.) is not public, but that some information on applications may be public. and Ms. Zimpel reiterated the importance of keeping confidentiality on the information companies provide in order to become certified.

- To Commissioner Chung's inquiry about the possibility, brought up by Commissioner Martin at the March 10 Administrative Committee meeting, that public hearings be held on the Coalition for Economic Equity concerns, Chairperson Soler stated that question has been continued to the next meeting of the Administrative Committee.

- Vicky Zimpel, asked to speak to the matter of HRC staff reactions and feelings following the allegations made at the February 26 HRC meeting. She said that the allegations concerning staff work on certification, investigations of joint ventures, etc. were df deep concern, She said, "The work of the eight staff people that I supervise is thorough, conscientious, ..they work long hours, they work hard...thye are doing work above the level at which they are being paid...I cannot compliment them highly enough, and they are a pleasure to work with."

YOUTH AND EDUCATION

Rabbi Allen Bennett/John Morrissey, Co-Chairpersons

- 1. Requested Adoption of Proposed Resolution of Declaring Policy With Respect to Certain Issues Involving Abused and Neglected Youth (adopted with Revisions on February 19, 1987).

In the absence of Rabbi Bennett, this recommendation was postponed to the March 26 regular meeting of the HRC.

LESBIAN/GAY ADVISORY COMMITTEE

Phyllis Lyon/Sal Rosselli, Co-Chairpersons

1. Requested Approval of HRC's AIDS/ARC Goals.

Six goals for AIDS-related activities at the HRC have been developed by the Lesbian/Gay Advisory Committee and the Ad Hoc AIDS Committee to establish the HRC's AIDS-related priorities for 1987. The listing had been provided in advance to the members of the HRC.

It was

*****m/s/c that the HRC adopt the AIDS/ARC Goals as follows:

I. The expeditious investigation and resolution of complaints of AIDS/ARC-based discrimination.

II An expanded proactive public outreach campaign to educate the public about AIDS discrimination, and about anti-discrimination protections.

III. Expansion of housing related services, including anti-discrimination protections, technical assistance, and conduct of a survey of available housing resources for people with AIDS/ARC.

IV. Continuing to focus attention on the needs of the underserved population, including women, ethnic minorities, and the I.V. (intraveneous) drug comdrug community.

V. Developing resource materials for people with HIV infection on reasonable accommodation, including individuals with neurological behaviorial difficulties.

VI. Monitor and respond to AIDS-related legislation at the local, state, and federal levels.

- 2. Committee Report-Meeting and Follow-up with Delta Airlines.- Jackie Winnow

Delta Air Lines has been the object of controversy for a number of company policies that have caused deep concern, particularly in Lesbian/Gay communities in the United States. In a case involving financial settlement for the family of a man killed in a 1985 Delta air crash in Dallas, Delta was widely reported to have argued legally that sexual orientation of a Gay male victim was a factor in determining the amount of a settlement. Delta attorneys reportedly argued that because of the victim's lifestyle and the fatality rate of AIDS, his life expectancy, and thus his life earnings, settlement should be reduced. Though a court ruled that lawyers for Delta were not to mention AIDS or the victim's sexual preference to the jury, and awarded the family $1 million, Delta asked for a new trial in November of 1986.

In addition, in a highly-publicized incident in the summer of 1986, a male passenger bound for San Francisco from Atlanta was denied seating, because the air line claimed his AIDS condition required that he be accompanied.

The HRC's Lesbian/Gay Advisory Committee invited Delta to send representatives to its regular February 17 meeting, and the company sent its Senior Vice-President, General Counsel and Secretary, a Station Analyst; a Senior Attorney; a District Director of Marketing, and a Public Relations representative.

Delta did conclude an agreement with the Mobilization Against AIDS, which had threatened a national boycott against it, in February. It agreed to four demands in this agreement, including public apology for its position on the air crash victim; establishment of a policy accepting all persons with HIV infection, with permission for those patients deemed medically able to travel unaccompanied; honor a commitment to educate Delta Air Lines employees on AIDS; and make financial support available to AIDS agencies.

Ms. Winnow said that the February 17 meeting brought out that despite the agreement just completed with the Mobilization by Delta, the air line was unwilling to publicize it (in other words, their public apology agreement consisted only a letter sent to Mobilization). She said they were unwilling to make public their policy of nondiscrimination as agreed on. She said the head public relations representative for Delta has said that he would give information ab the nondiscrimination policy only if contacted by someone from the outside.

Ms. Winnow said, further, that it appeared that Delta's actions regarding and in-house AIDS education program would consist solely of distribution of a several-years-old memorandum from the federal Center for Disease Control. Ms. Winnow described the memorandum as "homphobic"with referenced to "promiscouous, homosexual males," etc.

On the commitment to financially support AIDS organizations, the air line represetnatives said that they were giving money but that they would not make the fact public as they considered that "blackmail.'

On February 27, the Committee reiterated in letter form its concerns and suggestions transmitted to Delta at the February 17 meeting, emphasizing the need for Delta's policies on HIV-infected passengers, and that its apology regarding the air-crash victim should be publicized fully to the Gay and straight press via news conferences, news releases, and paid advertisements. The letter also made a number of other specific suggestions in line with the concerns brought out in the meeting as reported above by Ms. Winnow.

Delta responded formally by letter on the same date, February 27, saying, in part, regarding increased educational efforts with respect to AIDS, "...the Company is evaluating certain video tapes...used to educate ...employees about AIDS/ARC."

Ms. Winnow said that the Committee will continue discussion of its concerns about Delta's actions at its next meeting. She said that staff had met before the February 17 with Mara E. Rosales, Deputy City Attorney, regarding Chapter 12A provisions for reducing community tension in the Lesbian/Gay community. She noted also that Delta Air Lines has a lease with the Airports Commission under Chapter 12C, and said that the Committee has met with Peter Nardoza, Deputy Director, San Francisco International Airport, to see what can be done about monitoring Delta policies there as they pertain to non-discrimination. She said no charges of discrimination on the basis of AIDS or sexual orientation against Delta operations at San Francisco International Airport have been received thus far at the HRC.

Chairperson Soler asked that the Airports Commission be contacted and apprised on these matters by the Committee.

- Commissioner Rosselli commented that he had felt that the February 17 meeting had been very frustrating, and that Ms. Winnow was not overstating the lack of commitment and understanding manifested by the Delta representatives there.

NEW BUSINESS

- Director Hickins noted that the HRC's regular meeting of March 26 will be a very important one, with a Recommended Decision from Hearing Officer Caryl Mezey due to be presented in the Case of Carl D. Washington vs. Malaco Petroleum Company, Inc.

- Rita Semel Reception

Staff and Commissioners were reminded that the Intergroup Clearinghouse would honor Rita Semel, a longtime prominent intergroup relations figure in San Francisco, Director of the Clearinghouse, and an old friend of the HRC, at a reception that evening, March 12, at the Veteran's Building Green Room.

- Chairperson Soler asked that the Administrative Committee review the Standing Committee structure at its next meeting.

OLD BUSINESS

- Frank Anderson reminded Commissioners of the March 23 deadline for submittal of nominations for recipients of the HRC Human Rights Award, sponsored by the Friends of the Human Rights Commission.

- Statements of Economic Interest.

Jack Casford reminded Commissioners that April 30 is the deadline for submittal of the annually-required Statements of Economic Interest by each member. Separate packets with a Manual, Form 730 (the Statement itself), and other instructions are being sent to the HRC and they are due back, completed, signed, and dated, by April 30. There is a $10-per-day late filing fine.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, March 26, 1987 at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, March 18, 1987 5 PM Room 509, HRC Offices, 1095 Market Street
ADMINISTRATIVE	Wednesday, April 1, 1987 5 PM Room 509, HRC Offices, 1095 Market
EMPLOYMENT	Thursday, April 2, 1987 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, March 17, 1987 5:30-7:30 PM 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, March 19, 1987 3:30-5:30 PM Room 1200 State Building 350 McAllister
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, March 19, 1987 3:30 - 5:30 PM Room 1200 State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins, Director
via Jack Casford

GSM:JC:bclp

CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

Minutes of the Meeting of Thursday, April 9, 1987
(The regular meeting of March 26 was cancelled)

Room 1200 State Building
350 McAllister Street, Civic Center

DOCUMENTS DEPT.
APR 23 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE:	Thursday, April 23, 1987
TIME:	9:00 A.M.
PLACE:	Room 1200 State Building 350 McAllister, Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Rabbi Allen Bennett, Joe Jung, Phyllis Lyon, (who presided briefly until the arrival of the Chairperson) Larry Martin, John Morrissey, Nicerita Revelo, Brenda Wade, David Yamakawa Jr.

Commissioner-designate Rosemarie Fernandez was welcomed to the HRC. She has not yet been sworn in formally by the Mayor (her appointment was March 1, 1987, succeeding Commissioner Joan Moulton)
In a brief statement, the Commissioner-designate stated that she is an attorney with the U.S. Department of Housing and Urban Development, president of the Young Women's Christian Association of San Francisco, Marin, and San Mateo, a member of the Board of the San Francisco State University Alumni Association, and a member as well of the Board of Trustees of the United Way.

Excused: Samuel Chung, Corrine Lee, John Moylan, Sal Rosselli, George Suncin.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Don Hesse, Veronica Ng, Richard Norton, Pansy Waller, Gail Roberts, Gary Wong, Vicky Zimpel.

Ralph Hurtado, Mayor's Office Liaison to the HRC.

Guest: Isaac L. Taggart, International Representative, International Union of Security Officers.

No Pledge of Allegiance as a Flag is not provided in Room 1200.

Minutes of March 12, 1987 approved. The regular meeting of March 26, 1987 was cancelled.

COMMUNICATIONS

- From Big "J" Trucking, a copy of a statement issued by this firm entitled "The Minority Business Enterprises/The Truckers Disappointment.' The statement comments on support of the work of the HRC Director and staff in their implementation of the Minority/Women/Local Business Enterprise program.

- From the Clerk of the Board of Supervisors, an Intra-Office Memorandum regarding changes in the Board of Supervisors' Committee Structure, and rule changes affecting matters submitted to the Board and referred for public hearing.

- From Angela Gittens, Deputy Director of Business and Finance, S.F. International Airport, requesting that the HRC Minutes of March 12, 1987 be corrected [on Page 4, under Director's Report, last paragraph, 3. "Boarding Area E Contract-"Flap" at the Airport."] to reflect that Boarding Area E is a retail concession, not a construction improvement project.

- From Mayor Feinstein, a Memorandum to Department Heads and members of the San Francisco Disaster Council, regarding the 1987 San Francisco Earthquake Drills, listing planned major activities beginning April 9, with City-wide drills scheduled for April 15-17.

- From John J. Graves, Executive Vice President, Architecture and Construction, Marriott Corporation, Washington, D.C., to Mr. Henry Der, Executive Director, Chinese for Affirmative Action, tendering an apology for a remark attributed to Mr. Steven Kilgour, Assistant Supervisor for the Marriott Corporation, at a meeting March 2, 1987 on Affirmative Action Compliance hosted by Olympia York. The remarks was referred to by Mr. Graves as "...inappropriate reference to persons of Chinese ancestry..."

- From Eunice Elton, President of the Private Industry Council of San Francisco, In., copies of two letters regarding the above incident and reported remark by Mr. Kilgour: one from Rosamaria Zayas, Employment Specialist, Canon Kip Community House, to Mr. Graves; and one from Jerry Wright, Executive Director, Young Community Developers, Incorporated, also to Mr. Graves. Ms. Zavas and Mr. Wright were at the March 2 meeting at which Mr. Kilgour made the derogatory ethnic slur. The March 2 meeting concerned the affirmative action goals as set forth in the Yerba Buena Affirmative Action Program. Marriott Corporation is building a massive hotel at this site.

- From Herbert J. Weiner, and Eva Lew, for Social Workers for Comparable Worth, a copy of their joint letter to Supervisor Nancy G. Walker, President of the Board of Supervisors, protesting possible denial of comparable worth (pay inequity adjustment for certain City positions) to the 2910 Social Worker classification.

- From Sandy Ouye Mori, Secretary to the Health Commission, a copy of a Resolution of the Health Commission to Endorse and Encourage a Pilot Project at San Francisco General Hospital to Increase Minority and Women Business Enterprise Participation in the Procurement Process, passed March 17, 1987. Commissioner Naomi Gray has asked that the Resolution be sent to the HRC. She had introduced it.

- From Eunice Elton, President, Private Industry Council of San Francisco, Inc., enclosing a copy of the Final Determination by the California Employment Development Department's Equal Employment Opportunity Office regarding the Council's affirmative action and equal rights policies and activities.

- From Louise H. Renne, City Attorney, a copy of her Memorandum of March 25, 1987 to the Mayor, Chief Administrative Officer Rudy Nothenberg, all Department Heads, and all Deputy City Attorneys on the effect of the Ninth Circuit Court of Appeals Decision March 23, 1987 in the case of Associated General Contractors of California, Inc., et al., v. City and County of San Francisco, on the award of pending contracts under the MBE/WBE/LBE Ordinance. The Memorandum briefly summarizes the decision of the Court, and advises "...until further notice, we advise City departments to continue the implementation of the MBE/WBE/LBE Ordinance in the usual fashion.." It advises that the City Attorney will file an appropriate petition for rehearing or appeal. See fuller discussion under the Special Order below in these Minutes.

- From Millard W. Tong, President, Millard Tong Construction Company, commending Director Grant Mickins and HRC staff members Bettye Burrell, Linda Chin, and Eula Jones, for their efforts on behalf of many minority-owned businesses, such as Mr. Tong's in obtaining certification for bid preferences to minority-owned businesses. Mr. Tong attached a copy of his letter on the same subject addressed personally to Mayor Dianne Feinstein.

- From H. Adrian Isabelle, Human Relations Officer, City of Richmond, California Human Relations Office, enclosing the City of Richmond City Council's Resolution amending its Affirmative Action Plan to conform to Assembly Bill 1464. Mr. Isabelle also commented on the recent broadcast of KQED's Express program about the City's MBE/WBE/LBE program, and complimented Mr. Mickins on his response "...in the face of conflicting demands and agendas..."

- From Burk E. Delventhal, Deputy City Attorney, a memorandum of March 30, 1987 to the Mayor, Chief Administrative Officer Rudy Nothenberg, all Department Heads, and all Deputy City Attorneys as a supplement to City Attorney Renne's March 25 Memorandum (see above) on the impact of the Ninth Circuit Court of Appeals Decision regarding the MBE/WBE/LBE Ordinance. Mr. Delventhal stated that the City Attorney also suggests that all contracts whose awarding can be deferred be so until the City Attorney advises that the controversy has been finally resolved.

- From John C. Farrell, Controller, a Memorandum to all Department Heads, regarding issuance of bonds, and attaching a recently-enacted Ordinance (No. 445-86, November 10, 1986) by the Board of Supervisors providing that, prior to the awarding of any contract for certain financial and bond counsel services, certain procedures must be followed.

DIRECTOR'S REPORT

- 1. HRC Proposed Budget for Fiscal 1987-88.

The Director, Chairperson Soler, and Vice-Chairperson Suncin met with the Mayor April 7. It was described as a "spirited meeting," with the Mayor emphasizing that an anticipated deficit in the City budget from increased costs of the homeless program of the Department of Social Services, and the diminuition of federal support ($6 million less) for the Municipal Railway precludes any additional monies for departmental budgets.

The Mayor also indicated that she has mandated that all City departments take a 3 per cent across-the-board deduction in existing allocations.

The Mayo's staff did not recommend deletion from the HRC's staff allocation filling two long-existing positions, a Senior Clerk Typist (the position vacated by Grace Markham), and a Contract Compliance Representative.

The HRC also has requested three new positions, an MBE/WBE/LBE Director of Services, a Contract Compliance Officer II, and a Contract Compliance Officer I, in order to more fully carry out its mandate under Chapter 12D, including extensive outreach and implementation as required. Though the Mayor, the Director said, initially declined to consider authorizing any new positions, by the close of the April 7 meeting, she was asking that their status be held unresolved, while additional information was provided by the HRC of its staffing needs and objectives, and while the Mayor can more fully determine the overall City departmental needs.

Chairperson Soler comented that in the meeting with the Mayor, initially there were some feelings that the HRC's staff needs were to be disaffected by the Decision on the MBE/WBE/LBE Ordinance, but she stated that the HRC continues to feel very strongly that the MBE/WBE/LBE program should exist for the City, whether in the present form of the Ordinance or not, that there should be unity on that point. Commissioner Esta Soler said the fact that public hearings had demonstrated that minorities and women in business had obtained only 2.6% of the City's contracting business was even more reinforced by the fact that the problem (nonparticipation or minimal participation) still has not been resolved.

The Chairperson then asked Director Mickins to discuss the upcoming issuance by the HRC of a Request for Proposal (called, universally, an RFP), which is a request that persons or companies make a bid to provide a service or goods, for consultancy services to the HRC in disseminating as widely as possible (outreach) the MBE/WBE/LBE program commitment and mandate of the HRC. The consultant would, he said, develop a programmatic approach with HRC staff to media and community to design a format to amplify information about the Chapter 12D Ordinance. The Administrative Committee has approved the draft of the RFP, he said, and its issuance is being finalized at the present time.

Chairperson Soler said she felt it essential that the HRC continue to press its request for an MBE/WBE/LBE Service Director.

2. Format for Verification of Contracts.

The Director has met several times with members of the Mayor's staff, designated by Deputy Mayor Hadley Roff, (Peter Henschel, Moira So, Rotea Gilford) to review the current HRC's MBE/WBE/LBE staffing capacity. They have, he said, come up with several helpful approaches through working more closely with the Purcahsing Department and the Office of the Controller to identify all contracts coming through their offices, enabling the HRC to "key-in" who the successful bidders are and their ethnic identity, in order to verify that the Departmental information correctly correlates with the requirements of Chapter 12D. More meetings on this subject are scheduled.

3. Transfer of Public Utilities Commission's Contract Monitoring Function to the HRC.

At its regular meeting February 26, 1987, the HRC voted to "..reclaim any delegated authority or administrative functions under its legal jurisdiction regarding Public Utilities Commission contract activities." The Director said letters to this effect have been sent by the HRC to the PUC, and it has requested meetings to work out the method of transition.

4. Carl D. Washington v. Malaco Petroleum Company, Inc.

All parties to this case, action on which had been postponed due to the exigencies arising from the Ninth Circuit Court of Appeals Decision, have been informed of the new date, Thursday, May 14, 1987 at 9:45 A.M. in Room 1200 of the State Building, 350 McAllister Street, Civic Center, for the presentation on a Recommended Decision from Hearing Officer Caryl Macey.

SPECIAL ORDER

Presentation by Mara Rosales, Deputy City Attorney, on the status of the U.S. Ninth Circuit Court of Appeals Decision, issued March 23, 1987, in the case of the Associated General Contractors of California, Inc., et al., v. City and County of San Francisco, and San Francisco Black Chamber of Commerce, et al. This was a Decision on Appeal from the United States District Court for the Northern District of California, in 1985. The 3-to-0 decision by the Circuit Court of Appeals was in reference to the Chapter 12D Ordinance establishing the Minority/Women/Local-Business Enterprise program.

Ms. Rosales then gave a comprehensive verbal explanation of the issues involved in the Decision, described the followup actions of the City Attorney's Office, and discussed the ramifications for implementation, for judicial procedure, and for the future of the program.

She said that the Decision ruled that: 1. The Ordinance (this term is used to mean Chapter 12D, quite commonly) is valid in many respects, and 2. invalid in some respects. She reviewed the basic challenges by the Associated General Contractors (the AGC) to the set-asides and goals, the bid preferences, and other key provisions of the Ordinance. She noted throughout her presentation that the Decision addressed both the Ordinance in relationship to the City Charter, and in relationship to the Equal Protection Clause of the U.S. Constitution.

She took pains to explain the Decision's key points in ruling on the Ordinance vis à vis the City Charter and its requirements that the lowest competitive bidders prevail for City contracts, and vis à vis the U.S. Constitution, and how it cited both aspects in reference to applicability to minority-, women-, and locally-owned businesses.

She said that, "The net effect is that that WBE preferences amd WBE preferences are OK as to all contracts (personal services, leases, franchises, architects and engineers, etc.) except for Public Works contracts & except where the City Charter requires competitive bidding."

Ms. Rosales said she thought there was a good chance that the Circuit Court of Appeals would grant the City's official request for a rehearing, a request that it reconsider the minority business preference portion of the Decision.

Ms. Rosales made reference to the Memorandum from Deputy City Attorney Delventhal for City Attorney Renne(see Communications section of these Minutes above) asking that if City departments can delay contracting that they do so, in anticipation of possible U.S. Supreme Court action, when and if the matter goes that far.

Ms. Rosales responded to comments and questions from Commissioner Morrissey among others, and announced that the City filed a Petition for a Rehearing (to the U.S. Ninth Circuit Court of Appeals) on April 6, which prevents (or stays) the Decision from going into effect. Ms. Rosales said this means that Chapter 12D remains in effect and that implementation of the MBE/WBE/LBE programs goes on as before.

The Circuit Court within six weeks is expected to decide whether it will reconsider. If it decides to do sothere will be a period during which the City will appeal formally to the U.S. Supreme Court. Ms. Rosales' rough estimate of the procedure through the U.S. Supreme Court is that it could take up to two years, if it takes the case. If would rule within three months to take or refuse to take, in any case, after receipt of the City's formal appeal.

Ms. Rosales distributed copies of the City's 15-page Petition for Rehearing and Suggestion for Rehearing en Banc filed April 6, 1987, by Louise H. Renne, City Attorney, and Dennis Aftergut and Mara E. Rosales, Deputy City Attorneys, to the United States Court of Appeals for the Ninth Circuit.

- Proposed Resolution of Commendation for the Human Rights Commission Secretaries on the Occasion of National Secretaries Day, April 22, 1987.

Director Hickins, in introducing this proposed Resolution, stated that professional staff at the HRC and the members of the HRC cannot feel more obligated to any group than they do to the women and men named in the resolution who, in his words, "...find a way to get all the material out that needs to be produced, who sometimes clean up our syntax and our spelling, who stay overtime, and who spend great personal energy..." He said he felt that secretarial support and other positions were long-overdue for salary and other recognition for their invaluable work, and noted that some measure of relief will come in the recent Comparable Worth agreement signed by the Mayor.

It was then
m/s/c unanimously to adopt the Resolution of Commendation for the Human Rights Commission Secretaries on the Occasion of National Secretaries Day, April 22, 1987. A full copy of the text is attached to these Minutes.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Meeting of April 1, 1987

In the absence of Commissioner Suncin, HRC Chairperson Soler reviewed the agenda of that meeting:

1. Update on MBE/WBE/LBE Data Collection and Report Compilation.

Pansy Ponzio Waller was asked to describe the status of gathering, compiling, and verifying the statistical and other data for the preparation of the MBE/WBE/LBE two-year performance activity report. She described her work in some detail, verification of vendors certified, ethnic identification, account totals, breakdowns in percentiles of women and minority participation, and so on. She said she will follow the Standardized Report Format of the HRC in making the final report.

2. Proposed Commission Policy on Broker Contracts - PUC Para-Transit Award.

This had been one of the concerns raised in the February 26, 1987 HRC meeting by representatives of the Black Chamber of Commerce. Chairperson Soler said the MBE contract was for $18 million, but that, although it covered several years, it was reported as for one year. She stated that never at any time had it been asserted that the firm was not certified MBE. The question is a very complicated one, Ms. Soler emphasized, and said it obtained a full discussion at the Administrative Committee.

- She announced that Commissioner Yamakawa has been asked to draw up language by which the HRC can evaluate its MBE program most effectively and accurately in relationship to such large awards as not to distort the data.

3. Proposed Public Hearing on the operation of the Ordinance. It was decided to postpone holding such a hearing in light of the Circuit Court Decision.

4. The Request for Proposal for the consultancy for HRC outreach on the Ordinance was discussed earlier in this meeting by the Director.

5. The Mayoral Budget meeting was reported on by the Director elsewhere in these Minutes.

6. Printing the HRC's "A Guide to Your Rights for Tenants and Landlords" in Spanish. This booklet, issued free of charge by the HRC's Fair Housing staff since 1982, in English, Spanish, Chinese, and Tagalog versions, was designed and written by HRC staff, and was printed through a financial grant from Chevron, U.S.A.

Copies of the Guide, especially those in Spanish, recently became in very short supply, and there was community pressure to have more Spanish versions printed. This pressure was predicated on the belief by some that the HRC had paid for the printing, rather than a private corporation.

****The Administrative Committee voted to ask the HRC's Office Manager to find internal funds to do this Spanish version. Donald Hesse, Fair Housing Coordinator for the HRC, announced that this work currently is being put out for bid, that Pacific Bell may in fact help in the financial support phase, and that Chinese versions are also going to be produced. There still are ample numbers of versions in Tagalog. Copies may be obtained by contacting the HRC's Fair Housing staff, 558-4901, at the HRC's 1095 Market, Suite 501 offices.

NEW BUSINESS

- Media Directory March, 1987. Commissioner Phyllis Lyon made commendation to the Lesbian/Gay Community Liaison Unit of the HRC for its preparation and distribution of a comprehensive directory of Bay Area newspapers, Lesbian/Gay publications, women's publications, community/neighborhood publications, ethnic minority publications, university publications, news bureaus, and television, radio, and cablevision media resources.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, April 23, 1987, at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, June 24, 1987 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
ADMINISTRATIVE	Wednesday, May 6, 1987 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, May 7, 1987 9:30 A.M. 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	(To be announced)
LESBIAN/GAY ADVISORY	Tuesday, April 21, 1987 5:30 - 7:30 P.M. 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, April 16, 1987 (Meeting cancelled)
SOCIAL ISSUES AND AND POLICE LIAISON	(To be announced)
YOUTH AND EDUCATION	Thursday, April 16, 1987 3:30 - 5:30 P.M. Room 1200 State Building 350 McAllister Street

No Remarks from the Audience.

Adjournment.

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:np
4/16/97

ATTACHMENT # 1

ity and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

Resolution of Commendation for the Human Rights Commission Secretaries on the Occasion of National Secretaries Day, April 22, 1987

WHEREAS, National Secretaries Day is Wednesday April 22, 1987; and,

WHEREAS, the Human Rights Commission has seven employees in secretarial and support positions; and,

WHEREAS, the Human Rights Commission's secretarial and support staff provide essential clerical and accounting services, often under extreme pressure, for the Commission and its staff;

NOW, THEREFORE BE IT RESOLVED, that the Commission adopt this Resolution of Commendation for its Secretarial Staff on the occasion of National Secretaries Day, and,

FURTHER, BE IT RESOLVED, that the Human Rights Commission formally convey its gratitude and appreciation to:

Pauline Anderson
Arcedo Brillantes
Willie Campers
Loan Nguyen
Bernedette Patrocinio
Nenita Panday
Blanca Torres

AND, FINALLY, BE IT RESOLVED, that the Human Rights Commission, mindful that the theme of National Secretaries Day has been "Raises not Roses," strongly support the full implementation of the City's recently-passed Pay Equity program, providing long-overdue raises for clerical positions which continue to be filled predominately by women and minorities.

HRC Resolution 1-87

GSM:JC:np

15) 558-4901 Suite 501, 1095 Market Street San Francisco 9410

SF
C0
H2
23/87

DOCUMENTS DEPT.
MAY 8 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, April 23, 1987
Room 1200 State Building
350 McAllister Street, Civic Center

NEXT MEETING
Date:: May 14, 1987
Time: 9 AM
Place: Room 1200, State Building
350 McAllister Street, Civic Center

Roll Call

Commissioners

Present: George Suncin (presiding), Allen Bennett, Samuel Chung, Joe Jung, Corrine Lee, John Morrissey, John Moylan.

Excused: Phyllis Lyon, Larry Martin, Nicerita Revelo, Sal Rosselli, Esta Soler, Brenda Wade, David Yamakawa. Commissioner-designate Rosemarie Fernandez (not yet sworn in by the Mayor).

Staff

Present: Grant Mickins, Jack Casford, Don Hesse, Norm Nickens, Richard Norton, Gail Roberts, Mary Gin Starkweather, Jackie Winnow.

Ralph Hurtado, Mayor's Office Liaison to the HRC

Tony Travers, Intern from San Francisco State University, doing a study on housing discrimination on the basis of AIDS/ARC, working with the HRC AIDS Representative.

No Pledge of Allegiance as a Flag is not provided in Room 1200.

Minutes of April 9, 1987 approved by those present.

NOTE: There was no Quorum established during this meeting, hence no official actions were taken.

COMMUNICATIONS

- From Supervisor Tom Hsieh, a copy of a Memorandum regarding Chinatown Stockton Street Vendors and sidewalk and traffic congestion problems concerns. The Memorandum was sent to a number of Chinese community leaders including HRC Commissioner Joe Jung.

- From Mayor Dianne Feinstein, a letter addressed to all Commission Chairpersons and HRC Chairperson Esta Soler, stating that, "While Commissions are expected to make policy for their respective departments, the department heads themselves should in no way be restrained from stating their professional opinion in matters that may be before the Board of Supervisors and its committees."

- From James P. McEntee, Sr., President, California Association of Human Rights Organizations (CAHRO), announcing the Fourteenth Annual Training Conference of the California Association of Human Rights Organizations at the San Jose Hyatt Hotel, 1740 North First Street, San Jose, on May 28, 29, and 30, 1987. Information at (408) 299-2206.

- From Arthur H. Colman, M.D., President, San Francisco Medical Associates Inc., to HRC staff member Gail Roberts, thanking her for assistance in obtaining a contract with the Health Service System.

- From Pamella A. Sherman, President, Sherman Trucking Corp., a copy of her letter to the Office of the Mayor, commending the HRC and its staff for thoroughness and efficiency in certifying businesses as bona fide fide minority- or women-owned. Ms. Sherman wrote, "As a sub-contractor in the trucking field, it is thanks to the HRC of San Francisco that a woman owned business in a white male dominated field has been able to grow and been given a chance to prove they have the ability to do a good job."

- From Maureen O'Rourke, Co-Chair, and Lonnie Lawson, Co-Chair, San Francisco Open Space-Park Renovation Citizens Advisory Committee, a form letter regarding the Open Space Brogram and its budget request for Fiscal 1986-87 (sic) to the General Manager of the Recreation and Park Department.

- From L.A. Turpen, Director of Airports, Airports Commission, a copy of his letter to Mr. Benny Y.B. Tan, The Association of Small Business Enterprise Owners at San Francisco International Airport, c/o TNT Enterprises, thanking him for his letter recognizing the Airport's affirmative action business program, and referring him to the HRC regarding retention of the MBE/WBE/LBE preference and sublease programs.

- From Richard Avanzino, President, The San Francisco Society for the Prevention of Cruelty to Animals, a form letter sent to Friends of the SF/SPCA commenting at length on the City's animal service contract.

- From Nan Scott, Dy-Dee Wash, Bay Area Diaper Service, enclosing a copy of a letter to Spencer Michels, moderator of the television program EXPRESS, shown over KQED, Channel 9, which broadcast a program on March 28 about the City's MBE/WBE/LBE Program under Chapter 12D and the controversy over bid preferences as challenged by construction companies reverse-discrimination suits.

Ms. Scott wrote Mr. Michel about her experience trying to obtain a contract, specifically a laundry service contract, with the City.

DIRECTOR'S REPORT

- Format for Verification of Contracts (continued)

The Director had reported at the HRC April 9 meeting on his continuing meetings with senior members of the Mayor's Office (Peter Henschel, Moira So, and Rotea Gilford) regarding enhanced HRC implementation of Chapter 12D, the MBE/WBE/LBE Ordinance which had caused some concerns raised by the MBE/WBE/LBE Community Advisory Committee and community in recent weeks. He said his meetings had been "very, very good" and that they concentrated on:

1. How the HRC can improve receipt of departmental plans and performance data relative to Chapter 12D. There is being worked out a system for guaranteeing that the information being sent is complete, accurate, and that the HRC has some means of verifying it. It has been agreed, Mr. Mickins said, through a discussion with the City Controller John C. Farrell and his assistant, Mr. Julian Ryan, to set up a system, implemented through the Controller's office, to quantify (on the basis of certification the Controller makes and awards he makes on contracts) a program that will identify all contracts on a quarterly basis. This will require, the Director said, a programmatic computer system factor, and it is hoped to be in place by late summer or early fall. A senior member of Mr. Farrell's staff has been working with HRC staff to design a system that will give the HRC the ability to identify certified MBE/WBE/LBE participation in departmental contracts.

- Commissioner Morrissey inquired about the dates and amounts of contracts(multi-year)to be reported and the timing for crediting them, either within a given year or within a contract period, say four years. Mr. Hickins and Vice-Chairperson Suncin said this concern had been discussed at the Administrative Committee, and that Commissioner Yamakawa, as announced at the HRC meeting April 9, has been asked to draw up proposed language by which the HRC can evaluate its MBE program more accurately in relationship to reporting large awards (which may cover several years) for one year.

Mr. Hickins confirmed that the HRC would be receiving contracting performance data from both the individual City departments and from the Controller.

2. The Controller will send to the HRC also his (abbreviated) Report 13, a substantive, detailed report on the letting of all departmental contracting, until the computerized report system is in place, so the HRC may do random checks.

3. The HRC may notify the Controller that it will require a signature block in cases where departmental reports are not correct or timely, or where the HRC will issue a notice of noncompliance. The signature block would prevent award of a contract until a department were in compliance.

The Director and his staff are still meeting with the Controller's office on this item, as the means to guaranteeing and enforcing accurate substantiated information it is mandated to collect.

4. Timely information and compliance, and notification to delinquent departments by the Mayor's Office is part of the ongoing planning.

5. Transfer of the Public Utilities Commission's Contract Monitoring Function to the HRC. As the HRC voted February 26, 1987, the HRC has written formally to the President and members of the Public Utilities Commission to set up meetings to effect the transfer of this function to the HRC. The City Attorney and Mayor's Office have offered to assist in these discussions The Director said the HRC's formal recommendations on the subject will be submitted next week to the Mayor.

- Commissioner Chung's inquiry about the budget for the PUC staff to Director Hickins was answered by stating that the funding for the PUC staff could be handled through an interdepartmental workorder, as has been done for many years for the HRC monitoring and affirmative action work done with the Airports Commission, the Port Commission, and the Cleanwater Program.

- Moscone Center Expansion Project-

For several months, HRC staff has been working with the Chief Administrative Officer for this major construction project involving the expansion of the convention facilities at Moscone Center. Some 10 years ago, when the present Center was built, it was a $100 million project ($80 million for construction; $20 million architectural and engineering contracts). It is estimated that the expansion project (approved as a bond-issue ballot measure in a City election) will cost some $180 million. To date evaluations and recommendations have been made by the HRC staff for financial consulting and bond-counsel contracts, and work is being done currently on construction-management proposals.

Mr. Mickins said there are some fundamental differences in approach with the Chief Administrative Officer's office, stemming from a departmental decision to have their internal affirmative action staff making affirmative action decisions which impact on the jurisdictional mandate of the HRC. Mr. Mickins said the HRC has stated its preference that the CAO issue workorder funds to it to complete the monitoring and evaluation work on the project. He said that the CAO has assigned a liaison staff member from his office to "interface" between the HRC and the contractors on the project. He reiterated the HRC longstanding policy that implementation of 12B and 12D remains exclusively the mandate and obligation of the HRC. The Director stated he will keep the Commission apprised of future developments.

- Vice-Chairperson Suncin asked if the HRC could determine how much money is spent by the City in funding affirmative action staff separate from the HRC. He noted that the HRC each year must ask the Mayor's Office for supplemental budget support for extra work it is asked to do, yet individual departments have separate staff doing affirmative action, sometimes without a working relationship with the HRC staff.

Director Mickins said that the HRC would assign someone to look into this matter, and that he believes such information is available.

He noted that the HRC had asked each City department to designate one liaison person to work with the HRC regarding the required performance data and other information required to be reported under Chapter 12D, but he said he believed that beyond that there was nothing that authorized them to have separate affirmative action officers with respect to private contracting.

NO CHAIRPERSON'S REPORT

SPECIAL ORDER

- Request for Subpoena for Documents from San Francisco State re: Complaint of Phillip Harris vs. St. Francis Hospital.

In the absence of a Quorum, action on this item was postponed to the May 14, 1987 regular meeting of the HRC.

STANDING COMMITTEES

YOUTH AND EDUCATION
Rabbi Allen Bennett/John Morrissey, Co-Chairpersons

- Proposed Adoption of Resolution Regarding Policy With Respect to Certain Issues Involving Abused and Neglected Youth.-Commissioner Bennett

This proposed Resolution, a copy of which was provided each Commissioner in the meeting packet, had been referred back to Committee by the HRC in March for re-working. The issue came to the Committee from persons concerned about the needs of neglected or abused youths (up to the age of 21, according to Commissioner Bennett) from other then San Francisco who come under the jurisdiction and care of the Social Services Commission.

The Commissioner announced that most of the policies the Resolution seeks to support, officially, have been adopted by the Social Services Commission.

Due to lack of a Quorum, action by the HRC was postponed to its regular meeting of May 14, 1987.

LESBIAN/GAY ADVISORY
Phyllis Lyon/Sal Rosselli- Co-Chairpersons

- Delta Airlines Policies & Action re: Lesbian/Gay Community.- Jackie Winnow, HRC Lesbian/Gay Community Liaison.

Ms. Winnow had reported in detail on the Committee meeting and exchange of correspondence with Delta Airlines at the HRC's regular meeting of March 12, 1987. As background, following is from the Minutes of that meeting, verbatim:

"Delta Air Lines has been the object of controversy for a number of company policies that have caused deep concern, particularly in Lesbian/Gay communities in the United States. In a case involving financial settlement for the family of a man killed in a 1985 Delta air crash in Dallas, Delta was widely reported to have argued legally that sexual orientation of a Gay male victim was a factor in determining the amount of a settlement. Delta attorneys reportedly argued that because of the victim's lifestyle and the fatality rate of AIDS, his life expectancy, and thus his life earnings, settlement should be reduced. Though a court ruled that lawyers for Delta were not to mention AIDS or the victim's sexual preference to the jury, and awarded the family $1 million, Delta asked for a new trial in November of 1986.

In addition, in a highly-publicized incident in the summer of 1986, a male passenger bound for San Francisco from Atlanta was denied seating, because the air line claimed his AIDS condition required that he be accompanied.

The HRC's Lesbian/Gay Advisory Committee invited Delta to send representatives to its regular February 17 meeting, and the company sent its Senior Vice-President, General Counsel and Secretary, a Station Analyst, a Senior Attorney, a District Director of Marketing, and a Public Relations representative.

Delta did conclude an agreement with the Mobilization Against AIDS, which had threatened a national boycott against it, in February. It agreed to four demands in this agreement, including public apology for its position on the air crash victim; establishment of a policy accepting all persons with HIV infection, with permission for those patients deemed medically able to travel unaccompanied; to honor a commitment to educate Delta Air Lines employees on AIDS, and to make financial support available to AIDS agencies.

Ms. Winnow said that the February 17 meeting brought out that despite the agreement just completed with the Mobilization by Delta, the air line was unwilling to publicize it (in other words, their public apology agreement consisted only of a letter sent to Mobilization). She said they were unwilling to make public their policy of nondiscrimination as agreed on. She said the head public relations representative for Delta has said that he would give information about the nondiscrimination policy only if contacted by someone from the outside.

Ms. Winnow said, further, that it appeared that Delta's action regarding an in-house AIDS education program would consist soley of distribution of a several-years-old memorandum from the federal Center for Disease Control. M Winnow described the memorandum as "homophobic" with reference to "promiscuous, homosexual males," etc.

On the commitment to financially support AIDS organizations, the air line representatives said that they were giving money but that they would not make the fact public as they considered that "blackmail"

On February 27, the Committee reiterated in letter form its concerns and suggestions transmitted to Delta at the February 17 meeting, emphasizing the need for Delta's policies on HIV-infected passengers, and that its apology regarding the air-crash victim should be publicized fully to the Gay and straight. press via news conferences, news releases, and paid advertisements. The letter also made a number of other specific suggestions in line with the concerns brought out in the meeting as reported above by Ms. Winnow.

Delta responded formally by letter on the same date, February 27, saying, in part, regarding increased educational efforts with respect to AIDS, ",..the Company is evaluating certain video tapes...used to educate ....employees about AIDS/ARC."

Ms. Winnow said that the Committee will continue discussion of its concerns about Delta's actions at its next meeting. She said that staff had met before the February 17 with Mara E. Rosales, Deputy City Attorney, regarding Chapter 12A provisions for reducing community tension in the Lesbian/Gay community. She noted also that Delta Air Lines has a lease with the Airports Commission under Chapter 12C, and said that the Committee has met with Peter Nardoza, Deputy Director, San Francisco International Airport, to see what can be done about monitoring Delta policies there as they pertain to nondiscrimination. She said no charges of discrimination on the basis of AIDS or sexual oreintation against Delta operations at San Francisco International Airport have been received thus far at the HRC."

The Committee had written to Delta Airline again, reiterating its concerns over the company's responses:

1. That the company's citing its letter to Mobilization Against AIDS as a public apology is insufficient, and that it should make a very extensive public campaign to publicize as widely as possible that it does not discriminate against persons with AIDS.

2. That the in-house employee education program about AIDS (use of the old memorandum cited above, from the HRC 3/12 Minutes)is insufficient.

3. That Delta join with other large firms, such as Levi-Strauss and major banks,in extensive in-house employee education programs, as well as supporting financially communities affected by AIDS.

4. That Delta establish a national nondiscrimination-based-on-sexual-orientation policy.

The company's (Delta) response to the above concerns Ms. Winnow repor ed, has been:

1. That it does not wish to conduct an extensive public campaign as part of its public apology commitment because it would not be newsworthy, and that the media would not report it accurately.
2. That they already have a broad nondiscrimination policy.
3. That they would expand their in-house education program.

The Committee, however, feels that this response was insufficient, in not addressing the request for joining with other groups in supporting AIDS education broadly, in not undertaking an aggressive public campaign through the media, and in not instituting a national sexual orientation discrimination policy.

The L/GAC has , therefore, voted to send another letter to Delta, listing its recommendations (cited earlier). Ms. Winnow said that the Committee has been withholding giving information about its dealings with Delta from the Lesbian/Gay press, which have been calling for such information, but that now it intends to do so.

She said the Committee is asking the HRC to put the Airports Commission on notice about the L/GAC dealings with Delta and its concerns about its AIDS policies and actions, and asking them to monitor the situation as closely as possible. Background materials on this and other actions will be provided in the packets for the next regular HRC meeting.

- Commissioner Morrissey asked if other air lines have policies relative to persons with infectious diseases (with the understanding, he said, that AIDS is not infectious except under specific conditions), or persons who are disabled.

Norman Nickens, the HRC AIDS Representative, stated that all air lines have policies regarding person with infectious diseases and persons with physical disabilities. He noted that currently under federal law air lines are not required to accommodate the physically handicapped.

- Commissioner Bennetts and Lee were excused from the meeting at this point.

EMPLOYMENT
Larry Martin/John Moylan-Co-Chairpersons

- Committee Report .

Following, as read by Commissioner Moylan, is the Employment Committee Report for the March and April Meetings, as written by Mary Gin Starkweather, staff to the Committee.

At the March 18 meeting, the Committee heard a presentation by Ms. Anita Escandor , Rule 34 Coordinator of the Civil Service Commission. Rule 34 allows an appointing officer of a City Department to appoint a qualified handicapped person to a permanent position without that person having to go through the Civil Service exam process.

The Rule was implemented in February, 1986, and 31 designations have been made. Most jobs are clerical, but there are two program analyst positions. Nearly one-half have been hired by the Department of Public Health. Also, Mr. Francisco Garcia, Staff Attorney for the Mexican American Legal Defense and Education Fund, gave a lengthy presentation on his interpretation of the new federal Immigration bill. Because of the extent of Mr. Garcia's report, please refer to the Employment Committee Minutes of March 5, 1985 for details. These can be obtained from Mary Gin Starkweather, Committee staff.

- At Commissioner Morrissey's request, Ms. Starkweather explained that Rule 34 permits a qualified, severly-handicapped person to be appointed to a position for one year, during which he/she undergoes quarterly evaluation for performance. If passed, the person can be appointed to a permanent position without taking a Civil Service examination.

At the April 5 meeting, Ms. Eileen Le Blond, Special Assistant to

Sheriff Hennessey, gave a detailed report on the recruitment techniques used by the Sheriff's Department last autumn. The recruitment campaign included well-planned saturation of targeted minority and women communities with public service announcements, fliers, advertisements, and personal recruitment by Sheriff's Department deputies. Over 1,000 people showed up for applications, and about 75% of the list of 300 people are minorities and women.

The Committee adopted a Resolution of Commendation to Sheriff Hennessey for the efforts made in the successful recruitment of minorities and women for this hiring cycle.

Ms. Janet Schneider, Business Representative of Local 250, gave a presentation on the newly-passed pay equity legislation for City workers. She gave the City's history of pay equity and detailed the formulas used to bring low-paying jobs dominated by minorities and women into parity with other City positions.

It was announced that the Northern California Employment Round Table will host a Luncheon Seminar on the new Immigration bill on May 13, 1987. For details contact Richey Rice-Gore at 864-3255.

NEW MATTERS

- Commissioner Moylan also announced a May 28 meeting at the Jack Tar Hotel to be sponsored by the AFL-CIO,regarding responsibility for checking green-card status of workers, i.e., by labor unions or private employers.

- It was announced that the San Francisco Bar Association will sponsor a discussion on immigrant policies under the new federal legislation, with an emphasis on legal resources and services in the Bay Area, on Friday, May 8 from Noon until 2 PM. The Bar Association offices are at 220 BUsh Street.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, May 14, 1987, at 9 AM in Room 1200 of the State Building, 350 McAllister, Civic Center.

- Commissioners were reminded that their Form 730s, Statements of Economic Interest, are due April 30. There is a $10 -a-day late fine assessed.

- Director Mickins introduced Mr. Tony Travers, a student intern from San Francisco State University.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, June 24, 1987 5 PM Room 509, HRC Offices, 1095 Market Street

ADMINISTRATIVE	Wednesday, May 6, 1987 5 PM Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, May 7, 1987 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, May 19, 1987 5:30- 7:30 PM 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, May 21, 1987 Commission Room, Main Library 3:30 PM-5:30 PM Civic Center
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, May 21, 1987 3:30-5:30 PM Room 1200, State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
5/1/87

SF
H80
2
5/14/87

DOCUMENTS DEPT.
JUN 18 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 14, 1987
9 AM Room 1200 State Building
350 McAllister Street
Civic Center

NEXT MEETING

Date: Thursday, May 28, 1987
Time: 9 AM
Place: Room 1200, State Building
350 McAllister Street, Civic Center

Roll Call

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Joe Jung, Phyllis Lyon, John MOrrissey, Brenda Wade, David Yamakawa.

Excused: Corrine Lee, Larry Martin, John Moylan, Nicerita Revelo, Sal Rosselli, George Suncin.

Staff:

Present: Grant Mickins, Jack Casford, Don Hesse, Clemente Newball-Obregon, Norm Nickens, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather, Vicky Zimpel.

Ralph Hurtado, Mayor's Office Liaison to the HRC

Officer Rachel Karp, San Francisco Police Department Community Services Division, member of the HRC's Youth & Education Committee. Present as an observer.

No Pledge of Allegiance as a Flag is not provided in Room 1200.

Minutes of the meeting of April 23, 1987 approved.

COMMUNICATIONS

- From Frank J. Schober, Jr., Director, Office of Citizen Complaints, Police Commission, announcing formation of an Outreach Committee in order "...to communicate more effectively with the San Francisco community."

- From Ronald F. Markson, Associated General Manager, California Workers' Compensation Institute, confirming participation by HRC Director Grant S. Mickins as the keynote speaker on AIDS in the Workplace at the convention of the Western Association of Workers' Compnesation Boards on June 17, 1987 at the Union Square Holiday Inn.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, a copy of a letter addressed to Supervisor Nancy G. Walker, President, Board of Supervisors, responding to her memorandum of April 1, 1987 requesting a job evaluation study for class 2910 Social Worker, prompted by the fact that this class did not receive a pay equity adjustment in the new (City) pay equity section of the (City) charter.

- From Herb Weiner and Eva R. Lew, Social Workers, Social Workers for Comparable Worth, a copy of a letter signed by fourteen others(all of class 2910 Social Worker classification), to Supervisor Nancy G. Walker, President of the Board of Supervisors, a rebuttal to her letter (see above) of April 15 on the pay equity issue.

- From Stewart Baird, Legal Department, Wells Fargo Bank, regarding the Director's Finding of April 13, 1987, imposing penalties on the basis of alleged discrimination against a former employee of Crocker Bank who filed a formal complaint with the HRC. Mr. Baird, for Wells Fargo, states that Wells Fargo was not a party to the complainant's complaint, never employed him, never received a discrimination complaint from him, and had no notice of the complaint filed with the HRC. Mr. Baird stated that Wells Fargo Bank appeals the finding.

- From Brian Mavrogeorge, President, Concerned Republicans for Individual Rights, asking that the HRC determine the status of any discrimination complaints that may have been filed against the War Memorial Board of Trustees and the War Memorial Commission. The request was in connection with the Concerned Republicans for Individual Rights' concerns about use of the Veterans Building, (formally known at the War Memorial Veterans Building, located at thecorner of Van Ness Avenue and McAllister Street). Mr. Mavrogeorge stated that Concerned Republicans for Individual Rights is the oldest predominantly Lesbian and Gay Republican volunteer organization in the nation.

- From LaVera Gillespie, Director, Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, San Francisco Regional Office, Region IX, an invitation to Commissioner Fernandez to meet with Judith Y. Brachman, recently-appointed Assistant Secretary for Fair Housing and Equal Opportunity, visiting San Francisco May 4.

- From Margaret Brodkin, Martha Roditti, and Libby Denebeim, sponsors, an invitation to attend the 9th Annual Conference of the Network of Services for Families, Children & Youth in San Francisco on Tuesday June 2, 1987, First Unitarian Church, 1187 Franklin Street. Conference Logistics Coordinator Kathy Lafferty can be reached at the Children's Council of San Francisco, 362-7799.

- From Peter M. Settle, Vice President, Parsons Brinckerhoff Quade & Douglas, Inc., and A.T. Le, President, Manna Consultants, Inc. requesting a hearing before the full HRC on the matter of having been denied Local Business Enterprise preference points on a bid for the Muni's Treat Avenue Garage and Maintenance Facility.

- From Rita Cummings Belle, Managing Principal, Cummings & Associates, Advertising, Marketing and Public Relations firm, complaining about an HRC requirement for certification of women and minority-owned businesses, specifically that copies of federal tax forms be submitted.

- From James P. McEntee, Sr., Pres ent, California Association of Human Rights Organizations (CAHRO), announcing the Fourteenth Annual Training Conference to be held at the San Jose Hyatt House Thurdday, May 28, 29 and 30, 1987.

- From Jack Casford, a memorandum to all HRC staff and members, giving the regular meeting schedule for the remainder of 1987, beginning with the June 11 meeting.

- To Rudolf Nothenberg, Chief Administrative Officer, from Director Hickins, a formal Budget. for staff positions to implement the Affirmative Action Program for the $180 million expansion of the Moscone Convention Center.

NO CHAIRPERSON's REPORT

DIRECTOR'S REPORT

- HRC Budget for Fiscal 1987-88 Mayoral Recommendations.

The HRC expects to receive shortly Phase I of the Mayor's Recommendations to the Board on the HRC Budget for 1987-88. The HRC had requested three professional positions, a Program Director for the MBE/WBE/LBE Program a Contract Compliance Officer II, and a Contract Compliance Officer I. The Director had also requested assignment of City automobiles for staff useage in their many field and on-site visits. He noted also that all City departments were required to take 3% cuts from their last base budget figures. He said the Mayor reportedly was favoring two of the professional class positions.

- Format for Verification of Contracts.

Meetings have continued to be held with the staff ofthe City Controller in setting up a programmatic system to document all MBE requirements, as a means of guaranteeing and enforcing accurate, substantiated information the HRC is mandated to collect. This will start in Fiscal 1987-88.

SPECIAL ORDER I

- Request for Permission to Issue a Subpoena for Documents from San Francisco State University relative to: A Formal Compliant of Race Discrimination filed with the HRC vs. St. Francis Hospital.

- This request elicited much commentary and questioning from the members of the HRC. Donald Hesse informed Commissioner Morrissey that the subpoena was needed to obtain the college transcript of a White woman who was hired by St. Francis Hospital for a staff position rather than a Black man with considerable work experience on the hospital staff. Mr. Hesse and Ms. Mary Gin Starkweather, HRC staff member who had investigated the discrimination complaint for more than a year, explained some of the details of the case as background. The HRC is questioning the use of the resume of the White woman with its claim of experience in the area of expertise the job in question covered, and is seeking the college transcript to determine if her experience were on-the-job-, or as an intern.

The investigation by the HRC has been closed, Ms. Starkweather reported, and the hospital (St. Francis Memorial) has not been asked for further documents, nor has the attorney representing the woman.

Mara Rosales, Deputy City Attorney, later in this meeting, was asked to respond to Commissioner questions about the need for a subpoena.

Ms. Rosales stated that the transcript is relevant to the prosecution of this complaint case, including the issue of whether the woman hired rather than the complainant was qualified for the job, in this case, the HRC's being able to prove she was not.

Asked if an attempt had been made to obtain the transcript without a subpoena, she said No, but that other information had been sought. To Commissioner Morrissey's questions about letting the attorney for the woman know of the HRC's attempt to get the transcript and relative information, Ms. Rosales said the HRC in this case would not be sharing strategy prior to any hearing discussion.. Ms. Rosales said that she had not been asked by HRC staff for advice during the investigation, but that when she saw the material prepared, there were gaps she felt necessary to fill in.

There were further questions about whether St. Francis Hospital has the information needed, and Ms. Rosales, responding to a question from Commissioner Fernandez, said she would have to contact counsel to see if he/she had it.

To questions reflecting concerns about privacy of the individual whose transcripts are being sought, Ms. Roaales assured the HRC that staff is seeking only the classes attended and grades obtained, and that nothing of a private nature was being sought.

With further questioning from Commissioners Yamakawa, Samuel Chung, and John Morrissey, the discussion moved to action, and as worded by Commissioner Yamakawa it was

*****m/s/c that the HRC subpoena issue on the following conditions:

1. That the return of the subpoena be placed at not less than thirty days after the date that it is served, and that, concurrently,

2. Notice of the issuance of the subpoena shall be given to the woman whose transcripts from San Francisco State University are being sought.

The vote on the motion was unanimous.

Commissioner Yamakawa said he worded the motion in this way because he felt "...that the University itself and possibly the former student should have the right and the time if they so choose to go to court and attempt to quash or limit the subpoena on the basis of a claim that there is a violation of the California constitutional right to privacy..." with a thirty-day notice to both parties.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- 1. Committee Report The report was postponed to the regular HRC meeting scheduled for May 28.

YOUTH AND EDUCATION
Allen Bennett/John Morrissey-Co-Chairpersons

- Proposed Adoption of Resolution Regarding Policy With Respect to Certain Issues Involving Abused and Neglected Youth.-Commissioner Bennett

This proposed Resolution was amended slightly in the text. It has been before the HRC before, in March, was referred back to the Committee, and action was postponed from the HRC's meeting of April 23 due to lack of a Quorum.

Commissioner Bennett had reported April 23 to the HRC that most of the policies it seeks to support have been adopted by the Social Service Commission

It was then

*****m/s/c adopt the Resolution Regarding Policy With Respect o Certain Issues Involving Abused and Neglected Youth. A copy of that Resolution is attached to these Minutes.

LESBIAN/GAY ADVISORY

Phyllis Lyon/Sal Rosselli Co-Chairpersons

- 1. Request Approval of Letter to Airports Commission Regarding Monitoring Delta Airlines Regarding Sexual Orientation and AIDS Issues.

Reports of this issue, involving **Delta** Air Lines policies and action regarding the Lesbian/Gay community in general, had been made to the HRC on March 12 and April 23. Jackie Winnow, HRC Lesbian/Gay Advisory staff person, reported to the HRC April 23 that Delta Air Lines has a lease with the Airports Commission under Chapter 12C, and that the L/GAC Committee had contacted Peter Nardoza, Deputy Director, San Francisco International Airport to see what can be done there about Delta policies as they pertain to nondiscrimination.

Commissioners were provided advance copies of the text of the proposed HRC letter, signed by Chairperson Soler, to Morris Bernstein, President of the Airports Commission. The letter reviews the highlights of the long discussion between the Committee and Delta Air Lines officials, and closes by urging the Airports Commission to "...closely monitor the activities of Delta Air Lines based in San Francisco Internatinal Airport....regarding sexual orientation and AIDS in terms of employment and rendering of public accomodations." Extehsive background information is attached, and copies of the letter and attachments will be sent to officials of the Airport, and senior officials of Delta Air Lines in San Francisco and Atlanta.

± It was then

*****m/s/c to approve the sending of this letter and its attachments. The vote was unanimous.

The Commissioners' copies of the proposed letter included a substantial selection of correspondence and memoranda to and from the HRC and Delta Air Lines, plus copies of newspaper stories and letters to the editor stemming from the air line crash in August 2, 1985, and subsequent cash settlements, and an incident at the Atlanta airport on August 5, 1986, when a passenger with AIDS was required to leave a plane bound for San Francisco. Subsequent lawsuits and actions by Delta and passengers and by the man with AIDS led eventually to the HRC's Lesbian/Gay Advisory Committee involvement.

- 3. Request Approval of Support for the City's Positions on AIDS Bill Introduced in Sacramento and the Department of Public Health's Position on Those Not Yet Adopted.

Commissioners were provided in advance a memorandum from Norman Nickens, AIDS Discrimination Representative at the HRC, explaining the status of some 54 AIDS-related bills in the State Legislature, the City's position on some of them, and those on which the City has not yet (through Department of Public Health recommendations) taken a position. On recommendations by the Committee, it was then

*****m/s/c that the HRC support the positions adopted by the City, and join with the Department of Public Health in recommending opposition to mandatory HIV testing. The vote was unanimous.

- 3. Request Letters of Commendation for Interns (to the Lesbian/Gay Advisory Committee and staff) Who Are Completing Their Assignments.

It was

******m/s/c that Letters of Commendation be sent to: Richard Bell, Catherine Edalgo, Laura Fenamore, Pat Goldman, Dan Kane, Martin Lee, Kris Perry, Tony Travers, and Jennifer Leung. The latter is from the Mayor's Youth Employment Program.

- 4. Committee Report. The above items constituted the Committee Report.

- Norman Nickens reported that he has been invited by the Southern Christian Leadership Conference to address them on the Impact of AIDS on the Black community, and also, at the International AIDS Conference in Washington, on specifically what the San Francisco HRC is doing on AIDS discrimnation.

SPECIAL ORDER II: APPEAL HEARING

The Commissioners present joined by Commissioner Brenda Wade heard an Appeal by Malaco International, Inc. of a Determination by Caryl Mezey, Hearing Officer, issued March 10, 1987, that the HRC reverse a Finding of Noncompliance (with Chapter 12D by Malaco) issued by the Director October 6, 1986, in the Complaint case brought by Carl D. Washington against Malaco International, Inc., et al. on May 30, 1986.

Appearing for the HRC: Grant S. Mickins, Director
Mara Rosales, Deputy City Attorney

Appearing for Malaco International, Inc., et al.

Barry Hovis, Esq. (attorney for Malaco, Inc.)
Manual Llama and Robert B. Selby, of Malaco, Inc.

Court Reporter: Mary Butler

The Appeal Hearing convened at 9:34 AM, took one brief recess, and was ended at Noon.

A continuation of the Appeal Hearing will be held on Thursday, June 4, 1987 at a time and place to be announced later.

No New Matters

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, May 28, 1987 at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, June 24, 1987 5 PM Room 509. HRC Offices, 1095 Market Street
ADMINISTRATIVE	Wednesday, June 3, 1987 5 PM Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, June 4, 1987 9:30 AM 1850 Mission Street

STANDING COMMITTEES (cont'd)

HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, May 19, 1987 5:30 - 7:30 PM 350 McAllister Street, Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, June 18, 1987 (May 21 meeting cancelled Commission Room, Main Library 3:30 PM-5:30 PM Civic Center
SOCIAL ISSUES AND **POLICE** LIAISON	Wednesday, May 20, 1987 Room 509, HRC Offices, 1095 Market Street
YOUTH AND EDUCATION	Thursday, May 21, 1987 3:30- 5:30 PM Room 1200, State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:bclp
5/26/87

Attachment #1

CITY AND COUNTY OF SAN FRANCISCO

Attachment #1
HUMAN RIGHTS COMMISSION
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION REGARDING POLICY WITH RESPECT TO CERTAIN ISSUES INVOLVING ABUSED AND NEGLECTED YOUTH

WHEREAS, the San Francisco Social Service Commission from time to time in recent months has had before it the question of how to treat neglected or abused youths who come to San Francisco from other places, and

WHEREAS, in regard to that question the Social Service Commission has sought and received the advice of the Director of the State Department of Social Services and the Attorney General of California, and

WHEREAS, a committee of the Social Service Commission has conducted an inquiry into the question, therefore be it

RESOLVED, that the Human Rights Commission does hereby urge the adoption of the following policies for the guidance of the Department of Social Services:

1. The Family and Children's Services Division of the Department of Social Services shall accept referrals of children and youth thought to be abused or neglected, without regard to the primary place of residence of such children and youths. Referrals by private agencies of children or youths from out of County or out of State should be in writing on Department of Justice Subpected Child Abuse Form SS8572/11166PC.

2. The Family and Children's Services Division and the Department should take the lead in establishing an inter-agency committee to deal in various ways with the problem of homeless youth suspected of being victims of abuse or neglect. The committee should be representative of the relevant public agencies and the private agencies that work with homeless youth. Its functions should include the following:

    a. where appropriate, reviewing cases of out-of-county and out-of-state youth and recommending the disposition of those cases,

    b. planning for efficient, collaborative action by public and private agencies to cope with the plight of homeless youth in San Francisco.

    c. developing procedural agreements or memoranda of understanding between the Department of Social Services and the private youth-serving agencies, so as to facilitate the delivery of services,

    d. planning for and recommending specialized emergency and long-term residential services for street youth, and recommending action designed to obtain from the State appropriate board rates for such services.

    e. recommending collaborative actions to augment San Francisco's financial resources for dealing with youth homelessness; including, but not limited to, obtaining more money from such State sources as the Independent Living Funds and the Homeless Youth Emergency Service Program.

F. making recommendations for new State and Federal legislation bearing upon the problem of homeless youth.

3. The head of the Family and Children's Services Division and the General Manager of the Department should report regularly to the Social Service Commission, at intervals of no more than three months, concerning the progress and the problems of the Department's work with abused and neglected children and youth from out of county and out of state. These reports should include data on the number, the source, and the disposition of referrals.

4. The General Manager should propose to the Social Service Commission whatever budget augmentations are deemed necessary to carry out the terms of this resolution.

####################

Resolution 2-87

Adipted by the HRC 5/14/87

30
2
1/87

DOCUMENTS DEPT.
JUL 9 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, June 11, 1987
9 AM Room 1200 State Building
350 McAllister Street
Civic Center

THE MEETING SCHEDULED FOR MAY 28, 1987 WAS CANCELLED.

NEXT MEETING

DATE: Thursday, June 25, 1987
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Allen Bennett, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John Morrissey, Nicerita Revelo, David Yamakawa.

Excused: Rosemaire Fernandez, John Moylan, Sal Rosselli, Esta Soler, Brenda Wade.

Staff

Present: Grant Mickins, Jack Casford, Richard Norton, Gail Roberts.

Ralph Hurtado, Mayor's Office Liaison to the HRC.

No Pledge of Allegiance as a Flag is not provided in Room 1200.

Minutes of the Meeting of May 14, 1987 approved.

COMMUNICATIONS

- From Martha Bredon, Executive Director, Coro Foundation, announcing that applications are being accepted for the 1987-88 CITY FOCUS Civic Leadership Program, and that they are due by June 30, 1987 at the Foundation offices, 1370 Mission Street, San Francisco, CA. 94103.

- From Fernando J. Urbano, an employee of the Public Utilities Commission-Finance, for fourteen other co-signers, a copy of a letter to the Civil Service Commission requesting reconsideration of the CSC staff's denial of a request to re-open the filing of application for the 1658 Chief Accountant examination.

- From M.H. Geistlinger, Director of Purchasing and Services, a memorandum through Rudolf Nothenberg, Chief Administrative Office on May 16 to all Departments, Bureaus, and Commissions providing information on buying, leasing and servicing photcopiers under the South Africa Divestment Ordinance, pertinent to Kodak's signing of the South Africa Affidavit.

- To Morris Bernstein, President, Airports Commission, advising of concerns raised by the HRC's Lesbian/Gay Advisory Committee at the HRC about Delta Air Lines' policies and actions relative to AIDS and sexual orientation. With extensive supplemental information attached, the letters for the HRC urge the Airports Commission to monitor closely the activities of Delta based at San Francisco International Airport under Chapter 12C of the City Administrative Code regarding sexual orientation and AIDS in terms of employment and rendering of public accomodations. Copies of the letter went also to Louis A. Turpen, Director of Airports, and others of his staff, and to Delta Air Lines officials.

- From Rudolf Nothenberg, Chief Administrative Officer, responding to the HRC's May 11, 1987 letter (via Director Grant S. Mickins) requesting interdepartmental funding for the Moscone Center expansion from his office to fund staff positions at the HRC plus the pro rata share of other office expenses. Mr. Nothenberg stated that his office had neither the funds nor the expected services of HRC office that would make this possible or justifiable, and plan monitoring and complaint investigation by a member of his own staff.

- From Dorothy J. Porter, Ph.D., Director, Colorado Civil Rights Division, a copy of her testimony on HRC 1158 (Fair Housing Amendments Act of 1987) before the House Judiciary sub-committee on Civil and Constitutional Rights of May 14, 1987. Director Porter is President of the International Association of Human Rights Agencies.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a copy of a proposed Memorandum of Understanding between Golden State Business League, the HRC, and the Mayor's Office of Community Development. The League would develop outreach strategy, expand a mailing list, develop a bid opportunities mailing program, organize a workship, etc., all in connection with operation of the MBE/WBE/LBE contracting program.

- From John L. Taylor, Clerk of the Board of Supervisors, a copy of a proposed Ordinance amending the Administrative Code, Chapter 6, authorizing the HRC to review all contracts prior to award, for compliance with nondiscrimination provisions of Chapter 12B. See discussion in Minutes below on this proposed Ordinance (amendment to Chapter 6 of the Administrative Code).

- From Speaker of the Assembly Willie Lewis Brown, Jr. informing that he is joining in sponsoring an Immigration Forum on June 11 at the Pat Brown State Building, and inviting HRC staff to attend the workshop. The purpose of the Forum is to clarify the basics of the law and provide appropriate referrals.

- From Speaker Brown, to Commissioner Morrissey, inviting his participation in a roundtable discussion about education as part of the Speaker's Breakfast Club, June 19, at the Cathedral Hill Hotel.

- From the Office of the City Attorney, a copy of Opinion No. 87-11, requested by Claude M. Jarman, Jr., President, War Memorial Board of Trustees on the subject of the Board of Trustees' Hearing on charges of discrimination against the American Legion War Memorial Commission filed by Alexander Hamilton Post 448 of the American Legion. One of the six questions posed was whether the HRC had jurisdiction over a complaint of discrimination against the agent of a beneficiary of the 1921 War Memorial Trust Agreement. On this latter questions, the Opinion (conclusion) was No.

- From the Office of the City Attorney (Joshua D. Milstein, Deputy City Attorney), a copy of a Memorandum of June 2, 1987 to the heads of nine City departments, including the Chief Administrative Officer, regarding inclusion of liquidated damages language in Ctiy Contracts pursuant to the MBE/WBE/LBE Ordinance.

- A copy of a general Announcement from the Citizens' Telecommunications Policy Committee of sponsorship of three Municipal Access Workshops for video and cable television production June 4, June 9, and June 16. The Committee telephone number at 1182 Market street is 558-3179.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a copy of a newsletter on the "Challenge Grant of Greater Self-Sufficiency", one of one four new programs established under the 1987 Community Grant Program to "...increase the capacity of nonprofit agencies to diversify funding resources and to attain greater financial stability."

- From L.A. Turpen, Director of Airports, informing that the Airports Commission on June 2, voted to postpone the call for bids for the Retail Concession Lease at Boarding Area E for 30 days to allow the HRC to review the legality of requiring MBE/WBE participation by the successful bidder.

- From Susan S. Metcalf, Chairman, Distribution Committee, the San Francisco Foudnation, announcing the appointment of Robert M. Fisher as Director beginning June 15.

- From Angela Gittens, Deputy Director of Airports, Business and Finance, responding to the (see above)letter from the HRC urging Airports Commission to monitor closely the sexual orientation and AIDS activities of Delta Air Lines in terms of employment and rendering of public accommodations. Ms. Gittens asked for clarification of the issue of employment monitoring, and suggested following the practice of investigating of specific complaints.

- An invitation from the San Francisco Housing Authroity Board of Commissioners and Staff to attend a dedication and open house of new administrative offices and residential development for senior citizens on June 11 at 440 Turk Street.

NO CHAIRPERSON'S REPORT

- The Vice-Chairperson, presiding, announced changes in the published Agenda:

1. The Administrative Committee report was tabled.
2. The Youth and Education Committee report was deleted, and the items listed for it moved to the New Matters section of the Agenda.

DIRECTOR'S REPORT

1. Status Report: HRC Action on Appeal by Malaco International, Inc. et al. of a Determination by Caryl Mezey, Hearing Officer, issued March 10 1987, that the HRC reverse a Finding of Noncompliance (with Chapter 12D) by the Director, issued October 6, 1986. The Director deferred to Mara Rosales, Deputy City Attorney who made this presentation:

At the HRC regular meeting of May 14, 1987, an Appeal Hearing was held on this matter, with presentations by both sides. The hearing was continued to June 4, 1987.

At the June 4 1987, hearing, there was no majority vote by the HRC to uphold the Determination to reverse the Director's Finding of Noncompliance against Malaco, International, Inc. There were three motions made at the hearing:

1. To sustain the Hearing Officer's Determination. This failed by a vote of 6 to 3.
2. To remand to the Hearing Officer to take further evidence, or to direct the Director to conduct further investigation. This failed on a vote of 7 to 2.
3. To modify the Director's sanctions. He had conceded that the liquidated damages amount of some $397,000 assessed against Malaco could not stand because the contract did not incorporate that provision. The HRC members hearing the Appeal voted 9 to 0 to delete this sanction.

Ms. Rosales then stated that by law, as a result of this action, the Director's Finding stood, by default.

The Finding, essentially, was that Malaco had willfully violated Chapter 12D, the MBE/WBE/LBE Ordinance, and that it be disbarred from doing business with the City and County of San Francisco for five (5) years.

Malaco International filed a petition for a writ of mandamus from the Superior Court, and asked for a stay (seeking an order to require the HRC to set aside its decision/action) This petition was heard by the Court on June 9, with the City Attorney's Office (Ms. Rosales, Deputy City Attorney) arguing for the HRC against the requested stay.

The stay was issued on June 9 by the Court, and will remain in effect until a ruling by Superior Court Judge Lucy Kelly McCabe now set for July 9.

Ms. Rosales said that she felt that the stay granted by the Court was not against the HRC action, but against the Finding of the Director. This leaves, she said, the City Purchaser with three options, regarding the penalty assessment by the Director (disbarment from doing business with the City for five years):

1. To continue the contract with Malaco International, Inc., on a month-to-month basis (a Muni Diesel Fuel Contract), or
2. To proceed with the bid, or
3. To terminate the month-to-month agreement with Malaco and select another firm.

There followed general commentary on this report by the Commissioners.

DIRECTOR'S REPORT (Continued)

1. Budget Hearings on Fiscal 1987-88 HRC Budget Request

The Finance Committee of the Board of Supervisors will hear HRC's budget discussion on June 18 in the afternoon. Director Mickins reported that the Mayor had approved the request for two additional staff positions, but sufficient funds were not included to support them financially at this point. The Director stated he was scheduled to meet with the Budget Analyst staff following the Commission meeting.

2. Proposed Amendment to Chapter 6 of the Administrative Code, authorizing the HRC to review all contracts (for all City departments) prior to award, for compliance with nondiscrimination provisions (affirmative action, etc.) of Chapter 12B of the San Francisco Administrative Code.

This proposed ordinance, introduced by Supervisor Hongisto and co-sponsored by Supervisors Gonzales, Silver, and Walker, would authorize the HRC to have power to review all contracts of all City departments, unless specifically waived by the HRC, and grew out of a disputed grant by the former Chief Administrative Officer of a major contract without having such an HRC review. Mr. Mickins stated that this power has always been an implied HRC mandate under Chapter 12B of the Administrative Code. Now the HRC needs to develop clear policy decisions on what areas or categories of contract and dollar limits it wishes to apply. He said he hopes to have a draft recommendation to the HRC Administrative Committee. The measure has been approved in committee and will be heard and acted on by the full Board of Supervisors at its June 15 meeting.

3. Roles of the HRC and the Chief Administrative Officer in the Moscone Convention Center expansion project.

Director mickins referred to the letter (see Communications) from Mr. Rudolf Nothenberg, Chief Administrative Officer, relative to the HRC's request for staffing and services funding in connection with the $180 million expansion project of the Moscone Convention Center and its oontracts, which require HRC review for affirmative action compliance. Mr. Mickins says that Mr. Nothenberg has retained his own internal staff that he wishes to have contract-review functions at the project. Though discussions have been held, Mr. Mickins said Mr. Nothenberg to date has maintained his position. Mr. Mickins says to date he has assigned one and one-half staff positions plus clerical support exclusively to handle the "vast amount" of contract-review work arising from this project to the detriment of other City departments.

The City Attorney has stated, Commissioner Lyon noted, that the HRC cannot delegate its mandate functions and powers under Chapter 12B for affirmative action review.

4. Requested Ratification of the Director's selection of the Joint-Venture of Kiyomura-Ishimoto Associates/Communicomp, Inc. proposal to provide technical assistance to promote minority and women utilization via community outreach and exposure during Fiscal Year 1987-88.

Mr. Mickins reported that after thorough review of the eight proposals submitted to the Request for Proposals to perform MBE/WBE outreach and develop media exposure for the HRC's MBE/WBE/LBE program, staff had recommended three, which included, besides the Joint Venture mentioned above, U.S. Human Resources Corporation and Mason Tillman Associates, Mr. Mickins said his selection of Kiyomua-Ishimoto Associates/Communicomp, Inc. was determined by the fact that the Asian and Black-owned companies have respectively,strong experience and background in developing minority and women community outreach, and significant media experience. The contract prpposal was for $32,000. Three eligibility criteria were established, Mr. Mickins' explanatory memoranda (distributed to all members of the HRC in advance) stated. They were: 1. Possession of the necessary business and professional experience, 2. Being an independent and continuing business for **profit**, and 3. Being owned and controlled on a day-to-day basis by one or more persons residing in the U.S. or its territories.

It was then (after some commentary from Commissioner Morrissey about the application of the above criteria)

******m/s/c that the HRC ratify the Director's selection of the Joint Venture of Kiyomura-Ishimote Associates/Communicomp, Inc. The vote was unanimous.

STANDING COMMITTEES

SOCIAL ISSUES AND POLICE LIAISON COMMITTEE
Nicerita Revelo and Brenda Wade, Co-Chairpersons

- Committee Report -. Casford, Staff to the Committee

The Committee met May 20, 1987. Guest speakers included representatives of the Committee United Against Immigration Attack, and of the Central American Refuge Committee (CRECE), and a member of the staff of the Commission on the Aging.

The first two speakers, assisted by a translator, discussed the Moakley-

DeConcini Act, in both the U.S. Senate and House of Representatives, which would provide for temporary stays of detention and deportation of certain Salvadorans, most of who are living in the U.S. illegally, but who claim political refugee status. A letter was voted by the Committee to be sent in its name to the House committees hearing the legislation (H.R. 618) urging that it be acted on favorably for Congressional action.

The second speaker, Ms. Julie Feibush, Program Analyst, Commission on the Aging, gave background on the older Americans Act, currently in the Congress for reauthorization, and pinpointed items of concern in the present form of the bill, especially Administration proposals to increase from 60 to 70 years of age the eligibility age for benefits and services. The Committee also voted to write in its name to the Senate and House subcommittees dealing with these bills spelling out is concerns on this and other provisions.

NEW MATTER

1. Recommended Approval of Letter of Support for AIDS Project at San Francisco State University School of Education.-Gail Roberts

Copies of the May 28, 1987 letter from Director Hickins to Bill Wilson, Chair, Special Edcuation, at San Francisco State University, were distributed in the Commissioner packets. The letter states the HRC's long record of support for AIDS education, especially through its Lesbian/Gay Advisory Committee. It notes that Norman Nickens, the HRC's AIDS Discrimination Representaive, will be a presentor and workshop participant in the University's AIDS Project.

2. Recommended Approval of Letter of Commendation for intern Cassandra Sanders.

Ms. Sanders has worked as a student intern at the HRC on a project directed by Ms. Pansy Ponzio Waller. She has been, until her recent graduation, a senior at San Francisco State University.

It was

m/s/c that both letters be approved. The vote was unanimous.

3. HRC Fee Schedule - Commissioner Morrissey

The Commissioner inquired about the status of his on-going concern that the HRC establish a fee schedule for its services, and was informed by Director Hickins that the final draft of legislation to develop such a fee schedule has been received from the City Attorney's Office and that it will be brought to the next meeting of the Administrative Committee.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, June 25, 1987, at 9 AM in Room 1200 of the State Building, 350 McAllister, in the Civic Center

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, June 24, 1987 5 PM Room 509, HRC Office, 1095 Markets Street
ADMINISTRATIVE	Tuesday, June 16, 1987 5:00_6:30 PM Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, July 2, 1987 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, June 16, 1987 5:30-7:30 PM Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE ADVISORY COMMITTEE	Thursday, June 18, 1987 Commission Room, Main Library 3:30 PM- 5:30 PM Civic Center
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, June 18, 1987 3:30 PM Room 1200 State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC::bclp

############

HUMAN RIGHTS COMMISSION

June 25, 1987

The Minutes of this meeting are missing.

30
/87

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, July 9, 1987
9 AM Room 1194 State Building
350 McAllister Street, Civic Center

DOCUMENTS DEPT.
AUG 7 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, August 13, 1987
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Joe Jung, Phyllis Lyon, John C. Morrissey, Nicerita Revelo, Sal Rosselli, George Suncin, David Yamakawa.

Excused: Rosemarie Fernandez, Corrine Lee, Larry Martin, John Moylan, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Pauline Anderson, Jack Casford, Don Hesse, Clemente Newball-Obregón, Norm Nickens, Richard Norton Pansy Ponzio Waller, Gail Roberts,Mary Gin Starkweather.

Mara Rosales, Deputy City Attorney

Ralph Hurtado, Liaison from the Mayor's Office

Pledge of Allegiance

Minutes of the Meeting of June 25, 1987 approved.

COMMUNICATIONS

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a proposed Memorandum of Understanding between Golden State Business League, the HRC, and the Mayor's Office of Community Development. The League is working with the Association of Bay Area Governments and the U.S. Department of Housing and Urban Development to increase procurement opportunities for minority and women-owned business enterprises in the nine-county ABAG area. Ms. So wrote that the Leggue offer "...represents a real opportunity to launch a new outreach program to attract MBE and WBE contractors to MOCD's 1987 construction projects..."

- From Commissioner Bennett, Co-Chairperson of the HRC's Youth & Education Committee, asking the Director's permission to create and activate four task forces or subcommittees for Youth and Education Committee members.

- From M.H. Geistlinger, Director of Purchasing and Services, Purchasing Department, a Memorandum to Director Mickins, thanking him and his staff for contributions to the process of analyzing the City's towing needs and selecting a contractor to fulfill them. He cited in particular the Director and Vicky Zimpel, of the HRC staff.

- From Mayor Dianne Feinstein, a Memorandum to all Commissioners and Department Heads, requesting that they inform her office of all appearances before State Legislative Committees, and to provide copies of any testimony City officers intend to submit prior to the Committee hearings. The statements will be forwarded to Ed Gerber (the City's lobbyist in Sacramento) for his comment. The information requested is to be sent to Jim Lazurus, Deputy Mayor, in Room 205, City Hall.

- From Mayor Feinstein,a form letter to all City employees, announcing the U.S. Savings Bonds campaign through payroll savings.

- From Eleanor Mason Ramsey, Ph.D., Mason Tillman Associates, Berkeley, formal notice of intention to protest the award of the Technical Assistance to Promote Minority and Women Business Utilization project.

- From Paul Varacalli, Executive Director, United Public Employees Local 790, a form letter announcing the Third Annual Unionist of the Year Dinner and fundraiser October 22, 1987 in Berkeley, and inviting the Director to be a patron or sponsor.

- From Mara E. Rosales, Deputy City Attorney, a copy of her letter to Matthew D. Ross, Esq, of Neyhart, Anderson, Nussbaum, Reilly and Freitas, pertinent to challenges to City procedures regarding the Stadium Club lease at Candlestick Park and subleases made by the San Francisco Giants for catering services for the luxury suites for the 1987 baseball season, and of the HRC powers in these regards.

- From C. Gordon Taylor, President, Western Association of Workers' Compensation Boards, thanking Director Mickins for his participation in the June 1987 Conference of the Association, and thanking Norm Nickens, the HRC's AIDS Representative, for his assistance as well.

- From Carl Anthony, Principal, Carl Anthony/Eduardo Martinez & Associates, Architecture, Planning, to Bayard Fong, HRC Contract Compliance Representative, stating that he and his partner are encouraged by the commitment of the HRC to affirmative action...the thoroughness of...certification, and contract monitoring procedures. He states, "Your program was certainly helpful to me in previous contracts with the Department of City Planning..."

- From Daniel Woodhead, President, The San Francisco Downtown Ballpark Boosters Club, a copy of a letter sent to President Nancy Walker and members of the San Francisco Board of Supervisors, regarding the makeup of the Downtown Ballpark Task Force of the Mayor's Office.

- From Mara E. Rosales, Deputy City Attorney, a copy of her letter to the Airports Commission, at San Francisco International Airport. The Airport Commission has postponed the call for bids for a lease at Boarding Area E for 30 days to determine whether affirmative action requirements may be in cluded in the bid specification. Ms. Rosales offered the Commission the legal options available to it.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Budget for Fiscal 1987-88.

Completion of the budget process is near. The HRC, the Director said, has lost some operating expenses requested, and all City departments were cut approximately 3% under their request monies by the Mayor's Office. The HRC was granted two new professional positions to assist in improving the implementation of the Minority/Women/Local Business Enterprise program.

- Director's Vacation.

The Director will attend the annual conference of the International Association of Official Human Rights Agencies in New York City July 13, through 17 and then will be on vacation, returning to the office August 7.

SPECIAL ORDER

- Request for Subpoena in Emerson vs. U.S. Telecom

Commissioners were provided in advance a Memorandum explaining the background and need for this subpoena, and of correspondence regarding the investigative inquiry in this complaint case. (This is a sexual orientation discrimination complaint brought against U.S. Telecom). A civil action has been brought by the complainant, separate from the HRC complaint and investigation. U.S. Telecom's request that the HRC complaint be stayed pending resolution of the discrimination claims was reviewed and denied by the City Attorney and the HRC Director. U.S. Telecom subsequently had refused to comply with the discovery requests (for pertinent employment documentation)as of June 25, 1987.

It was then

******m/s/c that the HRC authorize issu nce of a subpoena in Emerson vs. U.S. Telecom.

At this point, the posted Agenda was re-arranged by Chairperson Soler.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Request for HRC Resolution that the Board of Supervisors Amend the Memorandum of Understanding re: the Homeporting of the USS Missouri to "obligate.. the parties to said agreement not to discriminate on the ground or because of... sexual orientation against any employee or applicant for employment."

The Administrative Committee agreed at its July 2, 1987 meeting to bring this issue to the Commission. The HRC staff was requested to provide background information on this subject, and to draft a proposed Resolution for the Commissioners' consideration. That draft proposed Resolution (copies of which were distributed to the Commissioners at this meeting) requested that the Board of Supervisors amend the Memorandum of Understanding (pending, to be signed by Mayor Dianne Feinstein, for the City and County of San Francisco, and Robert L. Toney, Rear Admiral, U.S. Navy Commander, Naval Base, San Francisco, providing homeporting the battleship USS Missouri, a guided missile cruiser, and a 7 to 9-ship cruiser-destroyer group in San Francisco). The requested amendment would include language that includes a nondiscrimination provision. In the working paper of this Resolution, and as first presented in draft form at this meeting, the nondiscrimination provision language included only sexual orientation, but was later expanded to include all protected classes under the HRC's Chapter 12B Nondiscrimination Ordinance of the City Administrative Code.

Chairperson Suncin of the Committee said that its members felt that because of the nature of the proposed Resolution, it should bring it to the full HRC at this meeting. Later in this meeting, it was pointed out by staff that the Lesbian & Gay Advisory Committee had not been asked to consider the proposed Resolution amendment because of time constraints. The Finance and Land Use Committees of the Board of Supervisors meet jointly July 22, to consider the homeporting Memorandum of Understanding. The hearing will be at 2 PM in the Board chambers.

Commission Suncin said that of concern principally were the job security regulations applicable for employment at the homeport under the Memorandum as they would impact on nondiscrimination in employment , specifically protections for persons because of their sexual orientation.

Several speakers then addressed the HRC on this issue: James Lazarus, Deputy Mayor, Mayor's Office.

Mr. Lazarus briefly summarized the City's year-long negotiations for a Memorandum of Understanding with the U.S. Navy Department (Department of the Navy) to reactivate Hunters Point Naval Shipyard, and to "homeport" the battleship USS Missouri and some ten other warships there. He said that the Memorandum of Understanding approval is pending before the Board of Supervisors, which will consider it next at a joint committee hearing July 22.

He said that there has been brought to the Mayor's Office the issue of the opportunity of Gays and Lesbians in civilian jobs for the U.S. Navy and for private contractors on ship repairs and the like. The City Attorney, he said, had been asked for review on the matter, because the draft Memorandum before the Board of Supervisors did not contain any reference to Administrative Code sections pertinent to employment nondiscrimination. He said that the Administrative Code sections (e.g., Chapters 12A, 12B, 12C and 12D, under which the HRC implements affirmative action in contractor employment) do not apply under the Memoranda of Understanding. Mr. Lazarus said that generally Memorandum of Understanding do not contain references to the cited Administrative Code sections (chapters). "It is not the type of contract that is contemplated under the provisions of the Administrative Code," he said.

Despite the City Attorney's opinion, he said, the Mayor's Office now intends to negotiate with the Navy nondiscrimination language to be included in the Memorandum of Understanding, and to bring it before the Board of Supervisors hearing on July 22.

Mr. Lazarus said it was the Mayor's Office view with the U.S. Navy that it does not discriminate against contract or civilian employees. He said that there are some 30,000 Bay Area civilian employees of the Navy, and that there currently are pending no allegations of discrimination.

A very small number of the employees expected to be employed under the Memorandum of Understanding for "homeporting" the battleship and the other warships, he said, would be subject to security clearance procedures. These employees he described as federal civil servants, coming under federal law, which itself does not permit discrimination in employment.

Mr. Lazarus estimated that some 7,000 new jobs throughout the Bay Area would be generated under the Memorandum of Understanding, including 400 ship-repair jobs, with some 350 civilian jobs at the Treasure Island Naval Station. Mr. Lazarus distributed a six-point document entitled: "Homeporting: Job Training Program," wherein it makes reference to priority employment at the facility (ship-repair and Naval Station construction) to be given unemployed craft workers living in the Bayview-Hunters Point community, and to Community College District and Private Industry Council administration of job-training programs for apprenticeships tutoring, through the Youth Community Developers as official recruiting agency.

Of the jobs that will be created by homeporting, said Mr. Lazarus, and of those that exist today, less than 10% will require security clearance. Of an average employment of 2,000 in the ship-repair industry, he said, less than 200 require security clearance. Thus, he said, there would be fewer than 35 jobs needing security clearance at the Treasure Island Naval Station, and fewer than 40 in the ship-repair operation.

"Security clearances," he said,"are issued to Gays and Lesbians." He said the issue, as he understood it, is whether a person's private life (he was referring to the procedures/regulations followed by the U.S. Navy) is such that the persons could be subjected to coercion, pressure, and blackmail, which could endanger the national security.

Referring to action taken by U.S. Representatives Patricia Schroder and Dan Edwards, requesting Secretary of Defense Caspar Weinberger to clarify "sexual misconduct" references in a recently-published Department of Defense Personnel Security Program Regulation, Mr. Lazarus said the City should go on record in urging the same change (s).

Mr. Lazarus said that he had objections to the proposed HRC Resolution in its call for amending the Memorandum of Understanding to require the Department of Defense to issue regulations stating that consensual, noncommercial homosexual activity between adults is not 'sexual misconduct,"..."

He said, "The Department of Defense is not a party to the Memorandum of Understanding", and he expressed his support for that part of the proposed Resolution asking the Board of Superisors to urge the Department of Defense to revise its Personnel Security Program regulation. (Note: Mr. Lazarus, before his testimony, had distributed, along with the accompanying Lt. Commander George W. Farrar, Public Affairs Officer at Treasure Island Naval Station, who did not address the HRC, copies of the July 1985 Manual for Personnel Security Investigations, Department of Defense, Defense Investigative Service, of an APL Interoffice Memorandum of April 3, 1987 from Jim Lanograf, Security Manager, on the subject: "Reporting of 'Adverse Information'"; of the final Environmental Impact Statement made March 24, 1987; and of the Homeporting: Job Training Program document cited above.)

Asked what the Memorandum of Understanding entailed by Commissioner Yamakawa, Mr. Lazarus stated that it would permit the homeporting of the USS Missouri and ten other warships at Hunters Point Shipyard, and commits the City, through the Port Commission, to certain street and transportation contributions, including highway additions and improvements, while also allowing the Navy to lease some 85 acres for private-sector development of housing, etc.

Mr. Lazarus reiterated his pposition to the proposed Resolution's call to request amendment of the memorandum of Understanding by the Board of Supervisors, but said he would support an earlier HRC working paper version of the proposed Resolution that would simply "call on" the Department of Defense to alter the regulations referring to "sexual misconduct" as applicable to "consensual, non-commercial homosexual activity between adults.".

Stanley M. Smith, Secretary-Treasurer and Business Representative, San Francisco Building and Construction Trades Council.

Mr. Smith referred to the Homeporting: Job Training Program document earlier distributed. He said it was an amendment to the affirmative action program he wrote the Hunters Point community residents, noting that not less than 20% of the jobs generated there must come from this group. He said that all persons hired through the union hiring hall come under nondiscrimination protections, including sexual orientation, and under the collective bargaining agreement in effect.

Claude Everhart, Chief of Staff to Assemblyman Art Agnos

Mr. Everhart said that Assemblyman Agnos was required to be in Sacramento on this day for a crucial vote on AB 239, which will remove the tax exemption for private clubs that discriminate against women and racial minorities. Mr. Agnos stated his regret that he could not attend this HRC meeting in person to speak to the security clearance impact on Lesbians and Gay men via the USS Missouri homeporting agreement in a formal letter to Chairperson Soler.

Mr. Everhart read this letter in full, and it ended with this sentence: "Although I cannot be with you at this morning session, you have my pledge that I will continue until there is a firm written guarantee that precludes any discrimination in jobs which are being promoted through the use of San Francisco tax funds." In the text of his letter, Mr. Agnos quoted extensively from the Manual for Personnel Security Investigations of July 1985 of the Department of Defense, in particular a section on sexual conduct, referred to as "... a relevant consideration in circumstances in which devian conduct indicates a personality disorder or could result in exposing the individual to direct or indirect blackmail or coercion. Such behavior includes homosexuality..."

John Mehring, testifying on behalf of the Harvey Milk Lesbian and Gay Democratic Club. Mr. Mehring read a prepared statement, which included excerpts from his earlier testimony on behalf of the Milk Club at the March 24, 1987 San Francisco Bay Homeporting Draft Environmental Impact Statement Public Hearing, held at the State Building.

From his statement prepared for this HRC meeting: "The Harvey Milk Lesbian and Gay Democratic Club wants the U.S. Navy held accountable to the City and County of San Francisco for its record of anti-gay discrimination and calls on the San Francisco Human Rights Commission to take a position against any Memorandum of Understanding or any homeporting proposal that does not incorporate San Francisco's statutory and civic position of no discrimination on the basis of sexual orientation." Mr. Mehring had distributed copies of the Final Environmental Impact Statement: Homeporting Volume II: Exhibits to Comments and Public Hearing Testimony, dated June 1987, prepared for the U.S. Department of the Navy, Western Division, Engineering Command, San Bruno, California, which included his statement for the Milk Club.

Supervisor Harry Britt

The Supervisor said that the real issue at the moment was, how does the City deal with the phenomenon that it has a "remarkable climate of acceptance" of all kinds of human beings, and yet does not have authority over federal government policies that affect the lives of thousands of San Franciscans. He asked that the City require by contract law those things it does not have the authority to do by other law.

Mr. Britt said there were thousands of Gay and Lesbian civilian employees of the military in the Bay Area, that they live in a "repressive climate", and that the presence of groups like the HRC with their concerns about discrimination against Gays and Lesbian is one reason why there are relatively few allegations of discrimination made in that community.

The Supervisor announced that he plans to introduce a resolution to encompass the larger issue of AIDS as a factor in the sexual orientation discrimination aspect of the homeporting issue. He suggested that the HRC's proposed resolution be widened in scope to include all anti-discrimination protected categories, and with the specific reference to AIDS as a factor. He said he would have a number of questions on July 22 (at the Board of Supervisors hearing) to the U.S. Navy regarding its policies in these areas.

John Wahl, former attorney for the late Supervisor Harvey Milk.

Mr. Wahl distributed copies of the Memorandum of Understanding (in draft form, not yet signed) between the City and County and the Department of the Navy. He said he was "...appalled, offended and insulted by some of the remarks by the representative of the City (Deputy Mayor Lazarus) Administration earlier..."

He expressed his support for the draft proposed HRC Resolution under discussion. He urged that the HRC make its voice known, even if, technically, Chapter 12B did not apply to the memorandum. He criticized the Department of Defense job security regulations referred to by previous speakers as "medieval and idiotic" and said they force Gay, Lesbian, and bi-sexual people to prove that their very statue as Gay, Lesbian, and bi-sexual is not some sort of security risk. He asked rhetorically if Blacks, Italians, Hispanics and Jews had to prove that their status was a security risk.

Rick Pacurar, Executive Director of Project Artaud (a low-income artists' cooperative), and an officer of the Harvey Milk Democratic Club.. He supported the proposed Resolution in draft form, and urged that it also be amended to include reference to nondiscrimination on the basis of AIDS.

There followed some brief comments by Commissioners Lyon, Bennett, and Chung regarding the difference, as explained subsequently by Chairperson Soler, between the working paper stage of the Resolution and the draft form then under consideration.

Mr. Lazarus stated that the draft Resolution, which he did not approve, referred to the Department of Defense, which he said is not a party to the Memorandum of Understanding.

"All this is doing is an effort to stop the homeporting, because the people who are drafting it know fully well that this Administration, in Washington, unfortunately, won't change that regulation (the Department of Defense job security regulation with definition of "sexual misconduct")," he said.

Asked by Commissioner Lyon if the Department of the Navy, which is part of the Department of Defense, could promulgate its own regulations regarding security clearance, Mr. Lazarus conferred briefly with Lt. Commander Farrar and stated that the Navy is bound by the Department of Defense regulations covering job security clearance. However, te commented, the Secretary of the Navy, upon completion of the environmental review process, will be authorized to make this final decision on homeporting the USS Missouri and other vessels in San Francisco, which would then be channeled to the Memorandum of Understanding to be signed by Admiral Toney of the Treasure Island Naval Station.

Commissioner Yamakawa requested clarification of the last resolve of the proposed Resolution calling for amendment of the Memorandum of Understanding regarding the Department of Defense job security regulations in light of the fact that Admiral Toney may not have the authority to sign an amended Memorandum to commit the Department of Defense.

Norm Nickens, the HRC AIDS Representative, who had coordinated researching and drafting the proposed Resolution, was asked to give some background.

Mr. Nickens said that the proposed Resolution had been accepted by the Administartive Committee at its regular July 2 meeting, and that it was referred directly to the HRC because it was not possible to schedule a disscussion of it before the Lesbian/Gay Advisory Committee (meeting scheduled for July 25) before the Board of Supervisors hearing July 22.

He said the language of the second resolve, calling for the Board of Supervisors to amend the Memorandum of Understanding, was at the request of Commissioners Soler and Lyon. He said the effect of the language change would be to require Board of Supervisors action. If the language is not adopted by the Board, he said, the HRC would have the option of transmitting its concerns separately and directly to the Department of Defense.

Though it has not gone before the Lesbian/Gay Advisory Committee, as noted by Yamakawa, Commissioner Lyon said she could assure him that had there been time for it to be so considered by that Committee, it would have been approved and recommended for passage by the full HRC.

Commissioner Rosselli then moved that that first resolve clause of the proposed Resolution (which called for amending the Memorandum of Understanding..." ...to prohibit discrimination on the basis of sexual orientation in employment...") be amended to add all the protected categories under Chapter 12B, which he said would answer Supervisor Britt's concern about the AIDS factor.

Commissioner Morrissey then stated that he supported the first resolve of the proposed Resolution as he seconded the Rosselli amendment, but he chracterized the Resolution as "...an attempt, laudable though it might be, to utilize the homeporting to lobby the Department of Defense to issue regulations to (word unclear here), as Commissioner Yamakawa says, worldwide." He said that he had difficulty with the second resolve "...to take on more than we need to."

Commissioner Lyon directed her comments to Commissioner Morrissey, saying that although the Department of the Navy has said that it has a policy of nondiscrimination in employment, it is part of the Department of Defense and has stated that it is bound by DOD job security regulations (with their "sexual misconduct" provisions), so their policy in effect "doesn't mean anything," unless the DOD regulations are changed.

Commissioner Morrissey then moved to strike the second resolve of the proposed Resolution. The motion failed for lack of a second.

It was then

***m/s/c to adopt the Resolution Requesting the Board of Supervisors to Amend the Memorandum of Understanding in Regard to the Homeporting of the U.S.S. Missouri. The full text of that Resolution is attached to these Minutes. The vote was 9 Ayes and 1 Nay (Commissioner Morrissey).

At this point, Chairperson Soler declared a five-minute recess.

MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE
George Suncin, Chairperson

- MBE/WBE/LBE Contracting Participation Report Fiscal Year 1984-85 and FY 1985-1986.

Commissioners had received in advance copies of the 85-page bound Contracting Participation Report, and an appendix Commentary showing correspondence between the HRC and the City departments submitting data for the Report, with a cover Memorandum. Copies of the Committee Recommendations in a memorandum prepared for the Committee by James D. Jefferson also were made available at the meeting.

Commissioner Suncin, for the Committee, introduced Frank Anderson, HRC Coordinator, under whose supervision the compilation and preparation of the Report had been accomplished. Mr. Anderson's transmittal memorandum informed that the data in the Report is based on eligible contract dollars awarded by City departments to certified MBEs and WBEs. It says that each City department was notified June 3 of the forthcoming publication of the report and departmental individual performance data, and comments were solicited and welcomed by HRC staff. This is the material in the Commentary referred to above.

Mr. Anderson then opened the formal presentation by staff on the Report. He noted that the Report was in response to serious concerns expressed at the HRC at its February 26, 1987 meeting. He said that immediately following that meeting, the earlier-drafted Report had been completely reconstructed, so that it is now organized in such a way that the reader can find any information he or she seeks.

The Report, he said, contains data on some 49,000 contracts let during the two fiscal years covered, and data that 49 City departments, commissions, and agencies have submitted to the HRC. The format is narrative, broken up with statistical charts and tables. There is a narrative summary, and an analysis of current status (which concludes: "The purpose of this report is to show whether or not the City's awarding departments are meeting the goals and objectives of the MBE/WBE/LBE Ordinance, Chapter 12D of the San Francisco Administrative Code; and to identify specific problems and make recommendations to ensure that the intent of the Ordinance is being effectively carried out.").

Mr. Anderson paid specific tribute to Pansy Ponzio Waller, who was responsible for coordination and compilation of the data from City departments, assisted by Clemente Newball-Obregon, Linell Harden, and Pauline Anderson, who was in charge of the organization and production phase of the Report. And Mr. Anderson also praised Director Mickins for his guidance and direction in the Report preparation work.

Mr. Anderson reminded the Commissioners that the hearings of the HRC in 1983 on minority and women-owned businesses in City contracting revealed that of some $869 million City contracts let in that calendar year, only 2.8% went to MBE/WBE firms. This led to the adoption of Chapter 12D.

At this point, Chairperson Soler stated on behalf of the full HRC that she wanted to thank the HRC staff for all its hard work on this Report, and called it a very high-quality, professional piece of work.

Mr. Anderson then introduced Pansy Ponzio Waller, HRC Contract Compliance Officer, the principal author of the Report. She, too thanked Messers Newball-Obregon and Harden, Mrs Anderson and Frank Anderson, in particular for their individual and collective contribution and assistance.

Ms. Ponzio Waller then went through the entire report, highlighting key sections, explaining how they were compiled, what they are intended to show, how they may be used by readers, etc.

From the Analysis of Current Status section of the Report, she pointed out that of 34 contract-awarding departments reporting for fiscal 1985-1986, six attained or exceeded the actual MBE goals of 30% for MBE primes, and that two were successful in meeting and/or exceeding the minimum goals of 10% for WBE primes.

She emphasized that the Chapter 12D stated goals do not apply to subcontractors, but are only for prime contractors. She further pointed out that the HRC includes only these firms it has certified as bona fide MBE/WBE to be counted towards meeting minimum goals.

In studying the comparative analysis of MBE/WBE Participation Data section of the Report, she pointed out that it is difficult to compare the data for FY 84-85 to FY 85-86, because the data for 84-85 was submitted without verification, since the departments had been instructed to report aggregate data.

Ten departments met or exceeded the MBE goal of 30% during FY 84-85 and/or FY 85-86, and eight met or exceeded the WBE goal of 10% for the same periods.

Table I, II, and III of the Report show,in chart form, how awarding departments performed in three ways: total eligible contract dollars awarded, total awarded to MBEs, and total to WBEs.

Table IV shows participation by ethnic groups for the two fiscal years:

For example, in Fiscal 1985-86, White firms obtained 69.5% of the total eligible contract dollars, Blacks 2.4%; Hispanics 9.6%; Asian/Paciiic Islanders 13.2%; Filipinos .1%; and American Indian/Alaskan Natives 01.

These figures show significant percentile increases for minority ethnic groups, the White participation was 82.6% (as opposed to the 69.5% for FY 85-86); Hispanics 2.1% (9.6%); and Asian/Pacific Islanders 5.9% (13.2%).

Other data she emphasized from the Report included:

1. The total number of contracts awarded by City departments increased from 18,075 in FY 84-85 to 23,878 in FY 85-86. The total eligible contract dollars increased from $151,487,810 to $216,762,023. The total MBE participation increased from $20,702,353 to $55,108,159.

2. The total dollar amount for ethnic groups increased. For example, White-owned firms increased from $125,135,066 to $150,585,564; Hispanics from $3,184,564 to $20,794,721; and Asian-Pacific Islanders from $9,030,217 to $28,802,017. Blacks increased from $4,471,577 to $5,196,262.

There were 5,113 professional service contracts awarded during FY 85-86, 93.3% of them through the City Attorney's Office. The MBE participation was $20,005,983, or 47.4%. But this amount includes a Public Utilities Commission contract in the amount of $18,723,818, awarded to a management consulting firm. Without this contract, the MBE participation on professional service contracts would have been only $1,282,165 or 3%.

Commissioner Revelo questioned Ms. Ponzio Waller about the use by contract-awarding departments of noncertified (but MBE or WBE) firms to cover their minimum goals.

Commissioner Yamakawa commented that in his opinion the HRC cannot tell departments with whom they are going to contract, but can only give incentives and encouragement to those who use certified firms.

Director Mickins responded to the Commissioners on this point, saying that the very integrity of the implementation process depends on the use of certified MBEs and WBEs, and that the HRC would be more zealous in keeping contracting department aware of the importance of using certified firms. He said that the Report under discussion is an indication to the contracting departments that they would have had MBE/WBE credit if they had used certified contractors. The next report, he said, will not show noncertified credits at all. There has not been, he said, to his satisfication, enough dissemination of information about the certification requirement.

Commissioner Suncin then thanked Ms. Ponzio Waller for her presentation and addressed the specific recommendations, four in number, from the Committee's Memorandum (reproduced above in these Minutes.)

The most controversial of the four is the one that reads: that "The Public Utilities Commission contract for $18.7 million should be excluded for the $2.2 million portion which actually goes to the MBE involved."

Commissioner Suncin said that the Committee had become very concerned that of the overall amount awarded, only $2.2 million went to an MBE, and asked that the Report include a disclaimer, saying that its material is based on data provided it by the departments, but not figures that the HRC has tested or can verify as accurate. He reviewed the four principal recommendations, which focused on: publishing further reports on schedule for corrective action; holding workshops with departments to assure complete briefing as to the requirement of Chapter 12D; and having HRC staff work closely with the Advisory Committee, Coalition for Economic Equity, City Attorney, and key departments to increase Ordinance effectiveness.

Commissioner Yamakawa asked when recommendations would be forthcoming from the Committee on needed changes in the Rules and Regulations for implementation of Chapter 12D. Frank Anderson was asked to respond, and he told the Commissioner that the preparation work was underway, and that it would be a "full-scale" revision of these Rules and Regulations.

Commissioner Yamakawa then addressed the recommendation that the Public Utilities Commission report crediting $18.7 million of MBE contracting be reduced to the $2.2 million portion which goes to the MBE involved (as the Committee recommendation stated it). He said he sympathized with this recommendation, and said he had worked on coming up with procedures which would "...avoid such distortion in the future..."

Commissioner Yamakawa then suggested that the $18.7 million not be excluded, and more emphasis be put on what he called "the distortion" as a result of the $18.7 million.

Commissioner Morrissey asked that copies of the Commentary be attached to the Report when it is further distributed, and Director Mickins said this would be done.

Mr. Anderson stressed to the Commissioners that each reporting City department has been contacted by HRC staff and told its individual responsibility under the reporting requirement. He emphasized that HRC staff had been uncomfortable with the recommendation for the exclusion of $18.7 million from the PUC credited amount (as the Committee recommended).

Mr. Anderson stated further that once the Report is adopted by the HRC, it will be transmitted with a cover letter encompassing all the recommendations.

Commissioner Yamakawa the moved that the language of 1.A. of the recommendations ("The PUC contract for $18.7M should be excluded except for the $2.2M portion which actually goes to the MBE involved.") have additional emphasis placed in the Report as follows: that "of the PUC contract for $18.7 million, only $2.2 actually is going to the MBE."

Director Mickins commented that it is his understanding that the type of service contract the PUC reported requires sub-contracting to many carriers, many of whom were minority sub-contractors. It is true, he said, that $2.2 went to the prime contractor, but this firm in turn sub-contracted much of the job.

Commissioner Yamakawa said it was "not the intent" of his motion to go through the entire Report, adopting the language he suggested, "allowing the staff to accommodate the concerns of the Committee and conform our behavior to the Ordinance as it currently existed."

"I was simply attempting to set the principle before the Commission, not draft the language", he said.

Arnold Baker, Director, Contract Compliance, Public Utilities Commission, next spoke informally to the HRC. He stated that he was authorized by the PUC to state its opposition to the removal of the $18.7 million from the Report, and said the PUC would support the motion of Commissioner Yamakawa to delete the exclusion recommendation.

Commissioner Yamakawa's motion (to substitute 1.A. wording by substituting "that the Report should have additional emphasis placed on the fact that of the $18.7 million, $2.2 million is actually going to the MBE prime involved,") was then seconded by Commissioner Morrissey.

Commissioner Suncin then asked if the HRC actually wanted to denote in the Report the extent of participation by MBEs and WBEs and LBEs, or if the HRC is going to be swayed only because the prime is the MBE involved. He stressed that the figures were reported to the HRC, and were not HRC figures.

Commissioner Suncin then called for action on Commissioner Yamakawa's motion to change the language of i.A of the recommendations.

It was then

***m/s/c that the language of 1.A. of the MBE/WBE/LBE Community Advisory Committee recommendations be changed to read: "Of the $18.7 Million of the PUC contract, $2.2 million is actually going to the prime." The vote was unanimous.

Mr. Baker then stated that if this language is substituted for that in the recommendations as originally presented, he would have a statement of protest to make to the HRC.

Commissioner Yamakawa then moved, "in the interest of time", that the Chairperson and the Vice-Chairperson of the HRC, and the Director of the HRC, or his designee be authorized to agree on the corrected language on this particular qualification." This motion was not seconded, nor acted upon, but was accepted as a suggestion by the Commissioners.

1. Request for Approval of Staff Report on City Departments' MBE/WBE Utilization Plans for Fiscal Year 1987-88. Clemente Newball-Obregón, HRC Contract Compliance Officer.

Mr. Newball-Obregón referred to a Memorandum of July 3, 1987 from the Director outlining the Administrative Committee's July 2 action recommending approval of City departmental MBE/WBE Utilization plans for Fiscal Year 1987-88. Mr. Newball-Obregón had reported to the Director in detail on these plans, summarizing the status of City departments' plans for compliance with Chapter 12D, which requires each department to prepare such a plan on how it intends to comply, and submit it to the HRC for review, evaluation, and certification. Mr. Newball-Obregón's report reviewed the certification process, the status of each (departmental) plan, contract activity, departmental contact, problems, and recommendations. Mr. Newball-Obregón keeps, and showed in his report, detailed records on departmental plans, the reported eligible contract dollars, their MBE and WBE goals, and his recommendation for approval or comments. His report also contained samples of the correspondence he initiates with each department reminding of obligations, and giving timetables for submittal of the plans.

Mr. Newball-Obregón reported that 53 departments had been asked to submit their Utilization plans, and to date 46 had responded. Thirty-three of the departmental plans had been submitted more than sixty days before this meeting and the 12D rules and Regulations called for automatic approval in this instance. Seven departments have not so far responded. Thirteen departmental plans were then proposed for approval, two conditionally.

Mr. Newball-Obregón stressed that despite automatic approval, HRC staff does care carefully review the Utilization plans as submitted by the departments.

It was then

***m/s/c that the HRC approve the thirteen MBE/WBE Department Utilization Plans as recommended by staff.

2. Request for Adoption of Guidelines for Commissioners

Postponed to the HRC meeting of August 13.

3. Proposed Legislation to Implement a Fee Schedule

Postponed to the HRC meeting of August 13.

CALENDAR MATTERS

- Friends of the HRC Awards Reception. More than 350 community people and public officials attended the formal presentation ceremonies of the Friends of the Human Rights Commission's 1987 Human Rights Awards at a reception on July 15, 198 in the Green Room of the Veterans Memorial Building. Seven San Franciscans were honored at this, the second such event. They were: Earl Raab, a leader in the establishment of the HRC in 1984 and a longtime former Commissioner, who made the keynote address; Jacqueline Nemerovski, President of the City's Arts Commission, who has developed equal access to arts programs for ethnic and neighborhood groups; Arthur Lazere, first President of the City's Small Business Network, who has brought Gay and Lesbian concerns before major employees; Lenore Chinn, originator of the Women's Blood Drive for AIDS-ARC patients; Eva Paterson, Assistant Director of the San Francisco Lawyers Committee for Urban Affairs, who has been a strong human rights advocate in such areas as school and Fire Department desegregation; Sergeant Frank Hutchins, Officer in charge of the Human Relations section of the San Francisco Sheriff's Department, who created a program to handled evictions in a humane way; and LeRoy King, Regional Director of the International Longshoremen's and Warehousemen's Union, who helped establish the HRC and obtain enactment of the Minority/Women/Local Business Enterprise contracting program.

Supervisor Jim Gonzales made the official presentations of plaques to the honorees, and of special commendations from Mayor Dianne Feinstein. The Chair of the Friends, Jane Morrison, was assisted by the Awards Committee, Al Repato, Ron Braithwaite, and Rita Semel.

STANDING COMMITTEES

AD HOC COMMITTEES ON AIDS	To be announced
ADMINISTRATIVE	Wednesday, September 2, 1987 5 - 6:30 P.M., Room 509 HRC Offices, 1095 Market Street Thursday, August 6, 1987 9:30 A.M. 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, July 21, 1987 5:30 - 7:30 P.M. Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, August 20, 1987 Commission Room, Main Library, Civic Center 3:30 P.M. - 5:30 P.M.
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, September 17, 1987 3:30 P.M. Room 1200, State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully Submitted,

Grant S. Mickins

GSM:JC:ltn

ATTACHMENT #1

y and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS TO AMEND THE MEMORANDUM OF UNDERSTANDING IN REGARD TO THE HOMEPORTING OF THE U.S.S. MISSOURI

WHEREAS, it is the policy of the City and County of San Francisco to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accomodations in all business establishments, and to equal service and protection by public agencies; and

WHEREAS, the population of San Francisco is composed of a rich variety of religious, racial, and minority groups, including Gays and Lesbians; and

WHEREAS, activities and programs that promote prejudice and discrimination are inimical to the public welfare of the citizens of San Francisco; and

WHEREAS, the policies of the United States Department of Defense have operated to further discrimination and prejudice against Gays and Lesbians; and

WHEREAS, these policies are based on outmoded myths and stereotypes that have no basis in fact, and operate to exclude Gays and Lesbians for equal consideration in employment;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission request the Board of Supervisors to amend the Memorandum of Understanding in regard to the homeporting of the U.S.S. Missouri to prohibit discrimination on the grounds of race, color, creed, national origin, ancestry, age, sex, sexual orientation or disability including AIDS/AIDS Related Condition in employment; and be it

FURTHER RESOLVED, that the Commission request the Board of Supervisors to amend the Memorandum of Understanding to require the Department of Defense to issue regulations stating that consensual, non-commercial homosexual activity between adults is not 'sexual misconduct' with which the Department of Defense will concern itself, and that homosexuals and heterosexuals will be treated by identical standards.

Resolution 2-87
Adopted by the HRC July 9, 1987

pa[Lts]KP-62

) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

30
2
0/87

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, August 20, 1987
Room 1200 State Building
9 AM 350 McAllister

DOCUMENTS DEPT.
SEP 9 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, September 10, 1987
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: David Yamakawa (Presiding), Allen B. Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Phyllis Lyon, John C. Morrissey, Nicerita Revelo.

Excused: Corrine Lee, Larry Martin, Sal Rosselli, Esta Soler, George Suncin, Brenda Wade.

Commissioner Hardeman, who has succeeded Commissioner John J. Moylan, who resigned to accept an appointment to the Golden Bridge District board, was welcomed to his first regular HRC meeting. He made a brief statement giving his San Francisco background and his community interests and activities. Commissioner Hardeman is Business Manager/Financial Secretary for the Sign, Display & Allied Crafts Union Local 510.

Staff

Present: Grant Mickins, Bettye Burrell, Jack Casford, Eileen Gillis, Don Hesse, Richard Norton, Gail Roberts.

Richey Rice-Gore, observer from the Employment Committee
Stanton W. Jones, Budget Analyst's Office

Guest Speakers: (See under New Matters below).

Paul D. Hardman, Ph.D., Founder and Commander, Alexander Hamilton Post 488 of the American Legion

Arch Wilson

Elizabeth Murray, Assistant Managing Director of the War Memorial Veteran's Building and Executive Secretary to the War Memorial Board of Trustees.

No Pledge of Allegiance due to absence of a Flag.

Minutes of the Meeting of July 9, 1987 approved.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a Memorandum to all Department Heads regarding the Employee Recognition Program for City employees not eligible for the existing recognition programs for managers. Awards are to be made in five categories, and nominations are due in the Mayor's Office by August 28. The awards will be made in the Fall. Awards, (first, second, and third in each category) will range from free tickets to events to restaurant meals, lodging, or merchandise.

- From Mayor Feinstein, a Memorandum to heads of Commissions and Boards Department Heads, and Chiefs of Bureaus, regarding the Public Managerial Excellence Awards presented annually by the Mayor's Fiscal Advisory Committee and the San Francisco Planning and Urban Research Association (SPUR). Awards based on achievement during Fiscal Year 1986-87. Nominations were in by August 7. The top award is $1,250, with three $1,000 awards for Managerial Excellence.

- From Robin Wu, Chair, Intergroup Clearinghouse, Inc., a copy of her letter to Mayor Fêinstein, requesting, on behalf of the Intergroup board and staff, a meeting to discuss the current status and future of the organization. IC was formed in 1980 to help prevent neighborhood conflict. Active participants include representatives from the Mayor's Office, the Police Department, the HRC, the Board of Supervisors, and community groups.

- From Mara Rosales, Deputy City Attorney, a Memorandum to Grant Mickins, HRC Director, enclosing copies of the Peremptory Writ of Mandate and Judgment Granting Peremptory Writ of Mandamus signed by Judge Lucy Kelly McCabe, of the Superior Court in the case of Malaco Internationl, Inc., v. the HRC and the City and County of San Francisco. See Executive Session reference below.

- From Mayor Feinstein, to: Marvin Geistlinger, Manager, Purchasing Department; Jue Fong, Chief, Traffic Fines Bureau, Municipal Court; the Honorable Louise Renne, City Attorney, Dr. David Werdergar, Director, San Francisco Department of Public Health, John C. Farrell, Controller, and Arlo Smith, District Attorney, urging that they submit an Annual Plan or quarterly data as required to the HRC under the Minority/Women/Local Business Enterprise Program. Much of this information was due February 27, 1987, and the HRC sent reminder letters in April and May of this year to each deparmtent addressed by the Mayor.

- From Assemblyman Art Agnos, thanking Chairperson Soler for her "...assistance and leadership on the issue of discrimination against Gays and Lesbians by the Department of Defense." This was in reference to HRC adoption of a Resolution Requesting the Board of Supervisors to Amend the Memorandum of Understanding in Regard to the Homeporting of the U.S.S. Missouri at its regular meeting ofJuly 9, 1987. Mr.Agnos congratulated the HRC for its passage of this Resolution.

- From Paul Varacalli, Executive Director, United Public Employees Local 790, inviting Director Mickins to be a patron or sponsor of the Third Annual Unionist of the Year Dinner on Thursday, October 22, 1987 in Berkeley.

- From Louise H. Renne, City Attorney, a copy of her Memorandum to all Department Heads of July 10, reminding that they must ensure that the City Attorney's Office draft or approve as to form all contracts, according to San Francisco Charter Section 3.401.

- From Msgr. Peter G. Armstrong, City and State Liaison, Papal Visit Committee, on behalf of Archbishop John R. Quinn and the Archdiocese of San Francisco, inviting Chairperson Soler to a special Mass at Candlestick Park on Friday, September 18, 1987. The Mass will be celebrated by His Holiness, Pope John Paul II.

- From Mayor Feinstein, a personal letter to each member of the HRC, on July 14, 19 requesting "ample notification" to her office when the HRC plans to take up "...issues to which this office is committed." The Mayor referred to July 9, 1987 HRC regular meeting discussion and action adopting the Resolution Requesting the Board of Supervisors to Amend the Memorandum of Understan~~ding in~~ Regard to the Homeporting of the U.S.S. Missouri. The Mayor also urged that if HRC members have a question or disagreement about policy, that he or she call her office. She stated that the HRC Administrative Committee's July 2, 1987 discussion of the proposed Resolution was not made known to her office until "...minutes before."

- To Mayor Feinstein, from Commissioner George Suncin, Vice-Chairperson of the HRC Administrative Committee, a letter responding to the Mayor's letter above. He stated that the agenda for the July 2, meeting had been mailed to the Mayor's

Office June 24, but it did not include an item regarding the homeporting of the U.S.S. Missouri. On July 1, Chairperson Esta Soler had received a letter from Assemblyman Art Agnos requesting that the HRC nsider the issue on that subject raised in his letter, also on July 1, to the President of the Board of Supervisors. Commissioner Suncin stated that because of the HRC procedures followed if a resolution or motion has not been acted upon first by a Standing Committee of the HRC, and because of the timing of the Agnos request, under her authority to do so, Chairperson Soler brought it to the Administrative Committee July 2.

Commissioner Suncin further pointed out that Mr. James Lazarus of the Mayor's Office was present at the July 2 meeting and chose not to speak. He stated, "The action by the Administrative Committee was solely on the procedural issue to refer to the full Human Rights Commission. There was no action taken on the substance of the issue because to do so would have been a violation of the Brown Act to provide notice at least 72 hours in advance of consdieration of action items." He stated further that the HRC did not see itself, at any point, as being asked to take a stand for or in opposition to the homeporting of the U.S.S., but rather clarifying that discrimination on the grounds of sexual orientation in employment or application for employment. is prohibited in San Francisco by Ordinance. Commissioner Suncin wrote: "The HRC's concerns principally were the job security regulations applicable for employment at the homeport under the Memorandum of Understanding as they would act on nondiscrimination in employment, specifically protections for persons because of their sexual orientation.

- From Rudolph Nothenberg, Chief Administrative Officer, responding in detail to a letter from HRC Director Mickins in a July 14 letter concerning HRC Jurisdiction and staff support for such aspects of the Moscone Center Expansion project as: the number of primes and subcontractors expected to be involved in the construction phase; HRC authority and responsibility in the fields of Contract Compliance or Affirmative Action; and the availablity of project funding support for HRC services.

- From Rita R. Semel, Executive Director, Jewish Community Relations Council, inviting the Director to a first meeting, July 29, to discuss having some kind of conference on the bicentennial of the Constitution, and enclosing a list of possible conference themes.

- From the Honorable John Burton and the Honorable Nancy Walker, Co-Chairs of the Potrero Hill Neighborhood House Board of Directors, announcing celebration of its 80th Anniversary, at which Enola D. Maxwell, its Executive Director, will be honored. Ms. Maxwell served on the HRC 1977-1979. The event will be October 25.

- From John C. Farrell, Controller, a July 27, 1987 Memorandum to Director Mickins thanking him for his valuable contribution to the 1987-88 Countywide Cost Allocation.

- From Edward Helfeld, Executive Director, San Francisco Redevelopment Agency, a copy of his letter to Mr. James D. Jefferson, The Thursday Group, c/o Jefferson Associates, asking that his group review data submitted by the Agency to the HRC summarizing its MBE/WBE/LBE program performance. The HRC's report on contract participation for fiscal years 1984-1985 and 1985-1986, portions which, Mr. Helfeld wrote, appeared in the Sun Reporter newspaper July 22, he addressed in further detail in his letter to Mr. Jefferson, in particular total contract dollars awarded to HRC-certified Black MBEs and the total awarded to non-certified Black MBEs. Attached to the Helfeld August 11 letter were copies of Agency letters of June 10 and Bebruary 19, 1987 to the HRC Director with ocntract award data figures.

- From Pamela S. Poff, Director, Division on Civil Rights, State of New Jersey Department of Law and Public Safety, asking for information about the methods the HRC uses to record testimony provided by participants at fact-finding conferences, specifically if the transcription of oral testimony by a court stenographer is permitted.

- From Jason G. Yuen, Administrator, Bureau of Planning and Construction, Airports Commission, San Francisco International Airport, a copy of his Memorandum of August 17, 1987 to L.A. Turpen, Director of Airports, regarding a Grand Jury response to a complaint involving a carpet contract at the Airport and the issue of the HRC's monitoring of the minority firm's involvement.

- To Jim Wunderman and Emil Durette, Special Assistants to the Mayor, from Grant S. Mickins, HRC Director, a cover Memorandum of August 18, 1987 enclosing a copy of the Staff Report from HRC Coordinator Vicky Zimpel on the Grand Jury Recommendations concerning Airport Contract for the Installation of Carpets (Contract 1410 A-1).

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- 39th Annual Conference of the International Association of Official Human Rights Agencies, Inc.

Director Mickins reported on his attendance at this event in New York City from July 12 through 16. The theme was "Civil and Human Rights at Home and Abroad: A Positive Agenda.: It was co-sponsored by the New York State Division of Human Rights, the New York City Commission on Human Rights, and the Connecticut Commission on Human Rights Opportunities. Welcoming speeches were made by New York Governor Mario M. Cuomo, and New York City Mayor Edward I. Koch. The keynote speech was by Dr. William F. Gibson, Chairman of the National Board of Directors of the National Association for the Advancement of Colored People. The conference, Mr. Mickins said, was designed to revitalize relations between state and local enforcement agencies and the traditional civil rights groups.

The early Monday sessions were geared to analyzing "the resurgence of hate and violence in America", which included presentations by directors of state, local and private nonprofit agencies such as the Anti-Defamation League of B'nai B'rith. The second day was devoted to reports by federal enforcement agencies, such as Housing and URban Development and the Equal Employment Opportunity Commission, all of which claimed, Mr. Mickins said, that there has been lessening, under this Administration of enforcement efforts.

The conference included a trip to the United Nations, where the delegates heard reports from ambassadors from several African and Latin American and Caribbean nations on the status of human rights in their respective countries. Especially noted were movements in women's rights in many Third World countries, plus the problems of large refugee populations.

There were notable workshops on Sexual Harassment in the Workplace, on Mediation and Conflict Resolution in the Workplace, and Director Mickins(with Joyce Tucker, Director of the Illinois Department of Human Rights) co-moderated a workshop on AIDS/ARC and Related Issues in the Workplace.

The Annual Banquet speaker was Benjamin L.Hooks, Executive Director, National Association for the Advancement of Colored People.

The 1988 conference of IAOHRA will be in Austin, Texas.

- Commendation of Frank Anderson

Mr. Mickins warmly complimented Frank Anderson for acting as Director during his absence at the New York conference and a subsequent three-week vacation.

EXECUTIVE SESSION

- At this time (9:20 AM), the HRC went into closed Executive Session, as previously-announced via its posted and mailed Revised Agenda, to discuss a Judgment Granting a Peremptory Writ of Mandamus by Judge Lucy Kelly McCabe of Superior Court in the case of Malaco International Inc., v. the HRC and the City and County of San Fransisco. Only members of the HRC, Mara Rosales, Deputy City Attorney, Mr. Mickins, and Donald Hesse of the HRC staff who advises Mr. Mickins regarding hearing procedures, were present. All other staff and visitors left the meeting room.

- The HRC re-convened at 9:53 AM. Acting Chairperson Yamakawa announced for the record that the HRC had completed its discussion in Executive Session for advice of counsel, and that it would not recommend any formal action at this time, but would place the issue on the Agenda for the next regular meeting (September 10, 1987) of the HRC, at 9 AM in Room 1200, of the State Building, 350 McAllister.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Proposed Amendment to the San Francisco Administrative Code CHapter 12A by amending Section 12A.5, empowering the HRC to enact a fee schedule to cover costs incurred in monitoring bidders' compliance with Affirmative Action contract provisions.

The amendment ordinance had been drafted by Mara E. Rosales, Deputy City Attorney and would amend 12A, of the Administrative Code, Section 12A.5. POWERS AND DUTIES (i) to estalbish fees on prime contractors adopt rules and regulations to carry out the fee, to include procedures for collecting fees, with the procedures to request that the Controller withhold from payments the amounts due, prorated among all payments during the life ofthe contract.

Consideration of this proposed ordinance also entailed consideration of a proposed expansion of it offered by Commissioner Morrissey, who distributed copies of his suggested additions. In essence, Commissioner Morrissey proposed that minority, women, and local business enterprises who apply for annual HRC certification also be included in the fee obligations.

The Commissioner's motion to adopt his expanded version was seconded by Commissioner Chung.

At the same time, the Committee's recommended adoption of the Ordinance to establish the fee schedule as drafted by the Deputy City Attorney was moved. Acting Chairperson Yamakawa stated that it did not need a second.

In ensuing discussion, Grant Mickins informed Commissioner Lyon, to her question, that subcontractors were not included in the draft ordinance because only the primes have a contractural relationship with the City. The HRC monitors the primes for their conformity with goals, he said, not the subs.

Commissioner Lyon stated that in her opinion it was unfair to impose a fee on minority/women/local business enterprises.

Director Mickins said that he had strong objections to the proposed amendments that the fee schuedule be applied to subcontractors, and to those minority/women/ local business enterprises seeking certification from the HRC. He maRe several points:

1. The MBE/WBE/LBE contractors have historically been excluded from equitable participation in City contracting, as the HRC hearings in 1983 clearly established.

2. Bonding and insurance requirements already are posing problems for small MBE/WBE/LBE firms.

3. Now to impose a fee on MBE/WBE/LBE firms when they seek to be certified would pose an unreasonable burden.

He said, further, that the HRC still is making strong efforts in outreach to firms to aid and assist in becoming participants.

4. The fee imposition would be a further deterrent of some magnitude.

5. The MBE/WBE/LBE certification applicants are already required to provide extensive and detailed documentation in the certification application procedure stage.

Commissioner Morrissey commented that investigations themselves act as a deterrent because of their volume.

Commissioner Fernandez then sought a clarification on the distinction between the Committee recommendation for adoption of the draft legislation (ordinance) and Commissioner MOrrissey's proposed amendment (additions, deletions) to that document.

Commissioner Fernandez then called for the question on the Morrissey proposal and it was

*****defeated by a vote of 7 to 2.

It was then

*****m/s/c that the HRC approve the recommended ordinance amending Chapter 12A of the City Administrative Code, Section 12.A.5. empowering the HRC to enact a fee schedule to cover costs incurred in monitoring bidders' compliance with Affirmative Action contract provisions. This vote to pass was unanimous.

Commissioner Morrissey said that he appreciated that the fee schedule matter would go forward to the Board of Supervisors.

NEW MATTERS

The HRC informally agreed to take this Agenda matter out of order.

Paul D. Hardman, Ph.D., Founder and Commander, Alexander Hamilton Post 448 of the American Legion. Mr. Hardman was accompanied by Mr. Arch Wilson, who was not identified.

Dr. Hardman, whose conflict with the War Memorial Commission goes back to 1985, had filed charges of discrimination against the American Legion War Memorial Commission on behalf of the Alexander Hamilton Post 448 of the American Legion, and the War Memorial Board of Trustees had held a hearing on these charges. City Attorney Louise H. Renne had been requested by Claude M. Jarman, Jr., President of the

War Memorial Board of Trustees, to render an Opinion on the charges by Dr. Hardman, and her Opinion No. 87-11 was issued June 1, 1987. Subsequently, the War Memorial Board Special Ad Hoc Committee met on the subject on July 23, 1987. No Formal Complaint had been filed with the HRC by Dr. Hardman, but HRC staff had been monitoring the War Memorial proceedings.

Dr. Hardman's appearance at this HRC meeting was to challenge the Opinion by City Attorney Renne that the HRC does not have jurisdiction over a complaint of (sexual orientation) discrimination against the War Memorial Board of Trustees.

Dr. Hardman, in a long opening statement, reviewed historical precedence he feels applies in the area of protection of civil rights in the City and County and he read verbatim from the City Attorney's Opinion 87-11 that the HRC had no jurisdiction.

He stated that he was requesting that the HRC take jurisdiction under its ordinance mandates.

Director Mickins was asked to state the status of this complaint. He said it was an informal complaint at the HRC, that any action on it had been deferred until completion of the War Memorial Board of Trustees' hearings on the matter, (monitored by HRC staff), and that until the Renne Opinion it (the HRC) has no jurisdiction. He said the HRC will move to dismiss the informal complaint at this time.

Dr. Hardman continued to press his point that in his opinion the HRC does have jurisdiction in the matter of his charges of discrimination. He said he will pursue his case through Superior Court. He made claims of bigotry against War Memorial trustees and charged "...we were told we don't want your kind here."

Commissioner Fernandez said that she had some questions about points in the City Attorney's Opinion,and

****Acting Chairperson Yamakawa proposed that copies of the Renne Opinion and the Hardman response be sent to each member of the Administrative Committee, and that Commissioner Fernandez be invited to attend its next regular meeting on September 2 at which the issue would be discussed. He asked that the Administrative Committee then come back to the full HRC at a regular meeting with a recommendation.

At this point Elizabeth Murray, Assistant Managing Director of the War Memorial Veteran's Building and Executive Secretary to the War Memorial Board of Trustees, stated that Dr. Hardman's complaint was against the American Legion War Memorial Commission, not the Board of Trustees. But a special ad hoc committee of the Board at the request of the HRC July 8, 1986 did investigate, she said, and she brought copies of the Findings and Conclusions of that investigation, issued August 13, 1987. They are Findings on the complaint, she said, when asked by Commissioner Yamakawa. He then reiterated that the HRC's primary concern is on the point of whether it has jurisdiction or not.

The Ad Hoc Committee Findings document includes this statement: "The Committee finds that the evidence is insufficient to support a conclusion that the Commission acted with respect to the Post (Dr. Hardman's group) out of racial or sexual orientation-based motives."

2. Request for Adoption of 1987 Guidelines, Commissioner and Standing Committee Responsibilities.

This six-page document includes: six guidelines for creation of and participation in HRC Standing Committees; Staff and Standing Committee Responsibilities (14); descriptions of the HRC Standing Committees and their makeup/representation in membership; and a quoted Rule 21 from the HRC's Rules and Regulations governing Standing Committees.

It was

*******m/s/c that the HRC adopt the 1987 Guidelines, Commissioner and Standing Committee Responsibilities. The vote was unanimous.

YOUTH AND EDUCATION

Rabbi Allen B. Bennett/John C. Morrissey
Co-Chairs

1. Request for Approval of Draft Letters to be sent to the Public Library Commission, the Juvenile Justice Commission, and the Superintendent of Schools urging Establishment of a Library at the Youth Guidance Center.

With slight individual variations, these letters, in draft form, were provided the members of the HRC in their meeting packets. They recommend that there be established a library at the Youth Guidance Center, and asked that the Unified School District libraries remain open for all students under credentialed librarians, and that the Public Library Commission suuport establishment of a new job category of "young adult librarian" to benefit high school students.

*******m/s/c that the HRC approve the sending of these letters as drafted.

2. Recommended Endorsement of a Pamphlet, "Caring for the Future", published in June of 1987 by Coleman Advocates for Children and Youth.

The pamphlet is subtitled "What San Francisco Must Do For Its Children", and consists of a ten-point "Children's Agenda" as recommendations, including comprehensive social services, high-quality public schools, effective vocational programs, a rehabilitative juvenile justice system, etc.

It was

*******m/s/c that the HRC endorse the pamphlet, :Caring for the Future: , What San Francisco Must Do For Its Children,: a publication of Coleman Advocates for Children and Youth.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, September 10, 1987 at 9 AM in Room 1200 of the State Building, 350 McAllister Street, Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Wednesday, September 2, 1987 5-6:30 PM, Room 509 HRC Offices, 1095 Market
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, September 15, 1987 5:30 -7:30 PM Room 1200, State Building 350 McAllister Street

STANDING COMMITTEES (cont'd)

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, September 17, 1987 3:30 PM Main Library, Commission Room Civic Center
YOUTH AND EDUCATION	Thursday, September 17, 1987 3:30 PM Room 1200, State Building 350 McAllister

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

F
30
2
10/87

DOCUMENTS DEPT.
OCT 6 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 10, 1987
Room 1200 State Building
9 AM 350 McAllister

NEXT MEETING

NOTE: the next regular meeting scheduled for September 24 is cancelled, in consideration of the observance of Rosh Hashana

DATE: Thursday, October 8, 1987
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

Roll Call

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Corrine Lee, Phyllis Lyon, John Morrissey, Nicerita Revelo, Sal Rosselli, George Suncin, David Yamakawa

Excused: Larry Martin, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Don Hesse, Clemente Newball-Obregón, Jackie Winnow, Vicky Zimpel.

Ralph Hurtado, Liaison from the Mayor's Office

No Pledge of Allegiance due to Absence of a Flag

Minutes of the Meeting of August 20, 1987 approved.

COMMUNICATIONS

- From California Assemblyman Art Agnos, a general letter calling attention to defeat of a bill (SB 1000) proposed by State Senator John Doolittle that would have eliminated current privacy protections for those who take AIDS tests. Assemblyman Agnos has introduced AB 87, to implement the recommendations of U.S. Surgeon General Koop and the National Academy of Sciences, setting out policies on concerns ranging from school education and admissions, to discrimination, etc.

- From the San Francisco Foundation, a nomination form for the annual Robert C. Kirkwood Award for contributions to community life in the Bay Area. Nominations are to be completed by October 31, 1987. The Foundation address is 500 Washington Street, Eighth Floor, San Francisco, CA. 94111.

- From Supervisor Nancy G. Walker, President, Board of Supervisors, a Memorandum to Chairperson Esta Soler, with a copy to Director Grant S. Mickins, attaching correspondence from Gerald Yoachum, Senior Vice President of Bancroft, Garcia & Lavell, Inc., Investment Bankers, of Los Angeles. Mr. Yoachum had sent Supervisor Walker copies of other correspondence from Los Angeles Mayor Tom Bradley, (Executive Directive No.1-B, setting up the Los Angeles Minority and Women-Owned Business Enterprises Program); an inter-departmental correspondence document from Wilfred L. Marshall, Director, Mayor's Office of Small Business Assistance, to Ralph Esparza, Director, Housing Division, Community Development Department regarding certification under Directive 1-B, a letter from Zev Yaroslavsky, Councilman, Fifth District, Los Angeles, regarding what he called "a loophole" in Directive 1-B, to the effect that the definition of WBEs (Women-owned Business Enterprises) might disqualify a business whose ownership was divided among both minority group members and women and requesting Mayoral steps to alter the definition by a simple word change, and a letter to Lauro Garcia, III, of Bancroft, Garcia & Lavell, Inc., enclosing Councilman Yaroslavsky's request letter.

Supervisor Walker asked that the HRC study the possibility of legislative action if such a similar deficiency exists in San Francisco's MBE/WBE/LBE program under Chapter 12D of the City Administrative Code.

- From M.H. Geistlinger, Director of Purchasing and Services, a copy of his memorandum (through Rudolf Nothenberg, Chief Administrative Officer), providing information on Divestment Implementation Report No. 3 (this is the South Africa Divestment Ordinance) and requesting that all City departments, bureaus and commissions inform how they have been affected by the divestment ordinance, and if it "...appears to be having unusual or adverse effects in the procurement process..."

- From Mary Anne Bulen, Acting Clerk of the Board of Supervisors, requesting, for Supervisor Nancy G. Walker, a response to her suggested Guidelines for Human Rights Commission Study on the Status of Immigrants and Refugees in San Francisco. The Guidelines suggest that the HRC name an advisory committee, including members of the Coalition for Immigrant and Refugee Rights, to work with its staff in designing and implementing the study; that the HRC poll all City departments and all community-based agencies, unions, and organizations that provide services to an advocate on behalf of immigrants and refugees; and that the study be completed by October 31,1987.

See comment on this item under New Business below in these Minutes.

- From Robin Wu, Chair, Intergroup Clearinghouse, Inc., a copy of a statement to local press regarding the visit to California of His Holiness Pope John Paul II September 17-19. The statement is an outcome of a discussion between the Clearinghouse and Police Chief Frank Jordan and Deputy Chief John Jordan. The Clearinghouse states that it is working to protect the rights of freedom of speech and assembly of various groups planning to demonstrate in San Francisco during the Pope's visit, and suggests a number of guidelines for these events.

- From Mark Kertz, Deputy City Attorney, informing Director Mickins via a Memorandum that Mara Rosales, Deputy City Attorney, has been assigned work on the Candlestick Park/Papal Mass issue. See discussion below under Administrative Committee report.

- From Willie L. Brown, Jr., Speaker of the Assembly, an invitation to the San Francisco Council of Churches dinner on October 28 at the Hyatt Regency Hotel. Tickets are $125 each, through the Council, c/o Busch Associates, 10 United Nations Plaza, Suite 400, San Francisco, CA. 94102.

- From Andrew M. Colvin, Chairman, Jewish Community Relations Council, enclosing a six-year calendar of dates of major Jewish religious observances. The HRC already follows this calendar guideline and has cancelled its regular meeting schedul for September 24, 1987, due to the observance of Rosh Hashana.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Amendments Suggested for San Francisco Fair Housing for Children Ordinance

Amendments have been proposed for this ordinance (Article 1.2, of Section 1 Chapter VIII, San Francisco Municipal (Police) Code), which prohibits discrimination in rental or lease residential housing against families with minor children. The original measure was passed, with strong HRC support, on July 15, 1975, and renewed in 1978.

Enforcement was made the responsibility of the District Attorney.

Supervisor Jim Gonzalez has proposed amending the Ordinance to shift enforcement duties to the HRC, including an elaborate appeal procedure, and including the provisions of Article 33, the sexual orientation nondiscrimination ordinance applicable to rental housing.

Director Mickins wrote to the Board's Human Services Committee expressing the concerns of the HRC as far as its limited ataff capability andresources for carrying out these extra and potentially complex duties under the amended ordinance.

Donald Hesse, of the HRC staff, who attended the September 3 meeting of the Board's Human Services Committee (chaired by Supervisor Carol Ruth Silver), to testify to the HRC's position on this proposed legislation and changes, was asked by Director Mickins to bring the HRC up to date on the issue. Mr. Hesse's presentation included a chronology of Fair Housing for Children Ordinance since its passage in 1975.

He noted that Supervisor Gonzalez proposes to amend Article 33 of the Municipal (Police) Code by making the HRC the enforcement agency for Families with Children discrimination complaints, and setting up an elaborate system of procedures for processing them. The intention began as an attempt to correct a "loophole" in the Fair Housing for Children ordinance that allowed landlords to restrict the number of persons he/she would rent to, an aspect controlled by the Uniform Housing Code. The HRC staff, Mr. Hesse said, agrees that this loophole should be closed, as has been done in Oakland,Berkeley, and Palo Alto. Further, he reported, the drafters of the proposed amendments incorporated the San Francisco Rent Stablization Board's administrative hearing procedures into Article 33, on the grounds that they were more efficient and cost-effective. Following discussions with the City Attorney, the drafters restricted the application under Article 33 for HRC enforcement only in the field of housing.

Mr. Hesse said that Deputy City Attorney Mara Rosales has been working with the involved community groups and the Board legislators(chiefly Supervisor Gonzalez) to try to modify the possibility of the HRC's having two administrative procedure obligations to handle.

The proposed amendments have been passed out of the Human Services Committee with a unanimouse do-pass, and go to the Board of Supervisors September 14.

Mr. Hesse said that he believes the proposed child discrimination legislation, as it is called by Supervisor Gonzalez's office, will generate a good deal of controversy, which may lead to its being withdrawn for further hearings.

He explained briefly what the legislation could mean in terms of the what would be required of the HRC, such as Directorial review, Findings, hearing officer review, appeal procedure, etc.

- Commissioner Yamakawa requested that all members of the HRC have copies of the proposed amendments as discussed on this issue.

- Gay Challenge to Candlestick Agreement for Pope's Visit.

Director Mickins said that Deputy City Attorney Mara Rosales had asked him to inform the HRC that she is 80% complete with a requested written Opinion on whether the City (Recreation and Park Department) must include 12B, the Nondiscrimination Ordinance, in the signed agrement made with the Archdiocese of San

Francisco for use of **Candlestick Park for** the papal Mass September 17. Completion of the Opinion, however, is delayed (as of a development the evening of September 9) requiring her response to a lawsuit filed by the Council on Religion and the Homosexual in Superior Court to require the City and the Archdiocese to include a provision barring discrimination against Gays (under Chapter 12B, which is part of all City contracts and implemented by the HRC). Ms. Rosales had responded to the Council earlier by saying that the agreement is "...a First Amendment matter not a business issue."

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- 1. Proposed Resolution to Receive and Accept Funding from the Mayor's Office of Community Development.

This is a formal action taken annually by the HRC, which, since 1979, has monitored all construction contracts funded by the Community Development Block Grant and has implemented the Fair Housing Program under Chapter 12A of the City Administrative Code. The HRC has submitted funding proposals to the Mayor's Offi of Community Development for **Fiscal** 1988 (January-December) for $73,692 for contract compliance, and $91,100 for the Fair Housing Program.

It was

*****m/s/c that the HRC adopt the Resolution to Receive and Accept Funding from the Mayor's Office of Community Development. The full text of this Resolution is attached to these Minutes.

- 2. Committee Report.

The Committee has met twice, since the HRC's regular **August** 20 meeting, a Special Meeting on August 26, and its regular meeting September 2.

- Candlestick Agreement with Archdiocese Issue.

- At the August 26, meeting, it considered the request by Council on Religion and the Homosexual (see Director's Report) that the Recreation & Park Department be required to include the protections covering non-discrimination against Gays contained in Chapter 12B, applicable to all City contracts, which the HRC implements. The spokesperson for the Council, John Wahl, raised the contract issue.

Commissioner Suncin said the Administrative Committee discussion on **this** issue was lengthy, and that its meeting was attended by **proponents** and opponents alike to the Council request. Also, as reported earlier, Mara Rosales was asked to provide a Written Opinion on what action the HRC could take as far as applicability to Chapter 12B to the agreement between the Archdiocese of San Francisco and the Recreation and Park Department. The Agreement calls for a rental payment of $50,000 (generally, the Commissioner said, this rental is $150,000) to theCity for use of Candlestick Park for a papal Mass to be celebrated by the Pontiff on September 18, and for the City to accept certain items, such as a field cover, some plywood platforms, and possibly a stair construction, which would be used for the papal ceremonial and then left at the Park. The Council has held that such an agreement is the provision of goods and services, or a formal contract, and therefore required to include Chapter 12B. Deputy City Attorney Rosales has held that it is not a contract, and that the operative factor is free speech and religion provisions protected under the First Amendment to the U.S. Constitution.

Commissioner Yamakawa launched the discussion among Commissioners on this issue with Commissioner Lyon commenting that many in the Gay/Lesbian community feel that the City's protections of nondiscrimination are being "thrown out rather freely.." (eg., the USS Missouri homeporting Memorandum of Understanding failure to include the City's Gay nondiscrimination provisions, and now the Recreation & Park Department agreement lacking it). She said also that it was her understanding that neither the Archdiocese nor the Recreation and Park Department had objected to the 12B inclusion, only the City Attorney's Office, holding that the agreement was not a formal contract for goods and services.

Much of the discussion, in which Commissioners Fernandez, Lee, and Yamakawa participated actively, centered on the fact that the time-frame was very close (the Papal visit will Be September 17-18;the HRC's Administrative Committee does not meet until October; the Writ of Mandate with an injunction may be issued very shortly, etc.).

Director Mickins commented that Ms. Rosales had held: 1. that the Agreement in question regarding Candlestick Park was more a casual agreement, like a parade permit, than a formal contract, and 2. that the First Amendment provisions for free speech and religion apply for the use of Candlestick Park stadium by the Archdiocese.

Chairperson Soler reiterated that the Deputy City Attorney had stated that 12B is not relevant to the agreement in question because no provision of goods and services is set up.

Commissioner Chung concurred with the stand that First Amendment protections take precedence.

Commissioner Lee urged that the HRC take some action to meet thetime exigencies present, and to help set policy if a similar situation should arise in the future.

Commissioners Suncin and Hardeman also asked for precedent examplesof similar questions, and Chairperson Soler said the Deputy City Attorney had been asked by the Committee for any history on the matter.

Commissioner Morrissey asked if the HRC should direct Recreation andPark to include 12B in this contract, and Commissioner Yamakawa noted that the HRC has in fact no authority to direct another Commission to do anything.

It was then (Fernandez as author of the motion)

****m/s/c that the HRC reserve action on the matter until the Superior Court action. This motion failed 12-1 (Fernandez).

It was then (Yamakawa)
****m/s/c that the matter be referred back to the Administrative Committee for continuing followup. The vote was unanimous.

Commissioner Lyon noted that the next scheduled Administrative Committee meeting is set for October 2, but Commissioner Yamakawa commented that it can hold a special meeting if needs be.

- Paul Hardman Dispute with War Memorial Building Trustees

Dr. Hardman's issue had been discussed, and his concerns in detail, both before the HRC on August 20, and at the Administrative Committee September 2.

Chairperson Suncin reported that the matter (juriadiction of the HRC over discrimination charges against American Legion War Memorial Commission) had been referred back to the Executive Director for further action.

- Updated Status of Departmental MBE/WBE/LBE Implementation Plans.

Clemente Newball-Obregón has compiled the status of these required implementation plans for Fiscal 1986-1987 and departmental data for Fiscal 1986-1987. Plans were due to the HRC on February 27, Letters of reminder were sent to the department delinquent on April 2, and repeated on May 6. Further action was taken June 24, through Peter Henschel, Deputy for Management and Programs at the Mayor's Office, and on July 8 by the HRC. As of September 9, five CIty departments were still delinquent with their data.

The HRC continues to insist on compliance with the required material from all City departments.

MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE

George Suncin, Chairperson

- 1987 MBE/WBE Directory-Minority/Women Business Enterprises-Frank Anderson

Mr. Anderson noted that one of the primary factors cited in the recent Contracting Participation Report (covering Fiscal Years 1984-1985 & 1985-1986) was the importance of certification. He noted that in August the Program (Chapter 12D marked its third anniversary. He distributed copies of the Directory to the Commissioners, saying that it was developed by the HRC staff, andpaying special tribute to Gary Wong, who handles certification procedures for goods and services businesses, Linda Chin, who is in charge of architectural/engineering firms; and Pauline Anderson, Supervisor of the HRC's Clerical staff. He also paid tribute to Mr..Mickins for his leadership in the project. Mr. Anderson was Coordinator of all this input and preparation.

He noted that all businesses listed in the directory are certified and are eligible for bid preferences. Copies are bing distributed to every City department, via the departmental liaison staff for MBE/WBE/LBE matters.

Due to limited funds, the Directory was not published for or distributed to the public, but reference copies are available for the public's use at: the HRC office, 1095 Market Street, Suite 510; the Main branch of the Public Library, Civic Center, Larkin & McAllister Streets; the Purchasing Department in City Hall, Room 270; Asian, Inc., at 1670 Pine Street; the Mission Economic Development Corporation at 987 Valencia Street; and at the Urban Economic Development Corporation, 2030 Divisadero Street.

- 3. Committee Attendance

Chairperson Suncin reported that attendance by members of the MBE/WBE/LBE Community Advisory Committee has been "spotty" recently, and letters of reminder are being sent to them. Some resignations have taken place and recruitment and outreach is under way to fill empty positions.

NEW MATTERS

- Proposal by Supervisor Nancy G. Walker that HRC Conduct a Study of the Status of of Immigrants and Refugees in San Francisco.

Commissioner Morrissey (see under Communications above) asked for details of staffing and procedures for this study, and Director Mickin said that he was considering having an intern to work with staff on such a project.

****Commissioner Soler suggested that each member of the HRC be sent a copy of the proposed study, and that the Director report on the status of this request at the next HRC meeting.

OLD BUSINESS

_ Update on Concerns of Women Carpenters Regarding HRC's Affirmative Action Program for Construction Contracts-Vicky Zimpel.

These concerns had been before the Employment Committee via a letter in

October of 1986 from the United Brotherhood of Carpenters and Joiners of America's Bay Area Women's Committee. The Director had responded to them about their concerns over the minimal representation of women in the carpentry trade in Bay construction jobs. An ad hoc committee was set up, including Director Mickins, Vicky Zimpel, and Chairperson Soler, with women carpenter representatives, to address strengthening sanctions provided in Chapter 12B, resetting and upgrading goals, and so forth.

Director Mickins said that the HRC recently has asked for an update on the status of the women carpenters' concerns, and the Formal Complaint of Noncompliance filed in 1986 by the HRC against Nibbi-Lowe, a major construction firm with many City contracts. He asked Vicky Zimpel, HRC Coordinator, to make this report.

Ms. Zimpel said that on-going, monthly meetings of the ad hoc committee and the women carpernters' representatives have been reported to the Employment Committee regularly since late 1986, and that she hoped that in the future they would be reported as well by the Committee to the full HRC.

She noted that the HRC had created a new assignment, and that Veronica Ng currently holds that post, dealing specifically with affirmative action in employment in construction. Ms. Ng is the liaison with all community outreach groups, and to her come all questions concerning employment in any of the construction sites being monitored by the HRC for affirmative action compliance.

Ms. Zimpel said that there have been two main concerns addressed in these monthly ad hoc committee meetings:

1. Enforcement. Much work has been done in revising the affirmative action program for construction to strengthen the enforcement provisions in employment. This work report also is to come shortly to the full HRC from the Employment Committee.

Ms. Zimpel paid tribute to representatives of Chinese for Affirmative Action, Women Carpenters, Women in Apprenticeship, and Young Community Developers, all of who have played an active part in this work.

- At this point, Chairperson Soler commended highly the leadership of Vicky Zimpel in the monthly meetings and the changes recommended in addressing the participation concerns originated by the women carpenters.

2. Besides the enforcement area, Ms. Zimpel, said, a major concern has been the 12B sanctions/penalties and their lack of strength and effectiveness. At the next HRC meeting (October 8), she said, the Employment Committee will be bringing suggestions for revising the sanctions allowable under Chapter 12B to make them more effective in implementation, and at least as strong as those in Chapter 12D.

The HRC Contract Compliance unit also has been working on improving its record of participation by women and minorities in the trades with "mixed success". However, in participation of owmen carpenters, because there is a greater availability of women in this particular trade, the percentage has been increased, she reported, from just under 3% to 8% (2% of the latter minorities.)

The next objective on the agenda, she said, is to look at the goals for women, noting that the HRC is one of the few Bay Area agencies to have women participation goals as part of their affirmative action work.

As for the Formal Complaint filed in 1986 against Nibbi-Lowe, a major City construction contractor, Ms. Zimpel said it was that complaint that led to some of the revisions in Chpater 12B. She said that Nibbi-Lowe has now hired a staff person specifically to work with Ms. Ng. Reporting from Nibbi-Lowe is weekly instead of monthly, and outreach groups which refer job applicants to Nibbi-Lowe projects report the fact to the HRC so it can check the computer printout of hires to see the record on placement. As a result, Ms. Zimpel, said, Nibbi-Lowe is meeting its minority and women goals in the last reporting periods.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, October 8, 1987 at 9 AM in Room 1200 of the State Building in the Civic Center, 350 McAllister Street. The September 24, 1987 scheduled meeting of the HRC has been cancelled for the observance of Rosh Hashana.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced.
ADMINISTRATIVE	Wednesday, October 7, 1987 5-6:30 PM, Room 509 HRC Offices, 1095 Market
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, September 15, 1987 5:30- 7:30 PM Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, September 17, 1987 3:30 PM Main Library, Commission Room Civic Center, Larkin & McAllister
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, September 10, 1987 3:30 PM Room 1200, State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

ATTACHMENT #1

y and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF THE HUMAN RIGHTS COMMISSION
OF SAN FRANCISCO
TO RECEIVE AND ACCEPT FUNDING FROM THE MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT

WHEREAS, the Human Rights Commission, since 1979, has monitored all construction contracts funded by the Community Development Block Grant (CDBG), and has implemented the Fair Housing Program under Chapter 12A of the Administrative Code; and

WHEREAS, the HRC has been continuously funded since 1980 by the Mayor's Office of Community Development for contract compliance monitoring, and since 1979 for its Fair Housing Program; and

WHEREAS, the HRC's contract compliance monitoring function has been a significant factor in expanding contracting opportunity for minority and women-owned businesses in this community in the cumulative amount of over $30 million in construction contracts and subcontracts and in employment of hundreds of minorities and women in the trades; and

WHEREAS, the Fair Housing Program staff have provided counseling, assistance, and vital housing information to hundreds of individuals and families; and

WHEREAS, the HRC has submitted formal funding proposals to the Mayor's Office of Community Development for its Fiscal 1988 (January-December) in the amount of $73,692 for the contract compliance component, and $91,100 for the Fair Housing Program;

NOW, THEREFORE, BE IT RESOLVED THAT THE HRC, upon approval for these funding proposals by MOCD, receive and accept the cited funds, so that its vital contract compliance and fair housing services may continue into Fiscal 1988.

Resolution 4-87
Adopted by the HRC 9/10/87

558-4901 Suite 501, 1095 Market Street San Francisco 94103

[illegible] of [illegible] As a result Mr. Zimmel

F
80
2
8/87

DOCUMENTS DEPT.
0 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the meeting of Thursday, October 8, 1987
Room 1200 350 McAllister Street

NEXT MEETING

DATE: Thursday, October 22, 1987
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister Street, Civic Center

Roll Call

Commissioners

Present: Esta Soler (presiding) Samuel Chung, Michael Hardeman, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, Nicerita Revelo, David Yamakawa Jr.

Excused: Allen Bennett, Rosemarie Fernandez, John Morrissey, Sal Rosselli, George Suncin, Brenda Wade.

Staff

Present: Grant Mickins, Jack Casford, Don Hesse, Clemente Newball-Obregón, Richard Norton, Veronica Ng, Gail Roberts, Mary Gin Starkweather, Jackie Winnow.

Diane Spaugh, studying for her Master's of Social Welfare at San Francisco State University, was introduced as an intern assigned to the HRC working with the Lesbian/Gay Advisory Staff for the school year extending into 1988.

Ralph Hurtado, Liaison from the Mayor's Office. Mr. Hurtado brought Ron Fortgang, a Coro Foundation intern, to observe the HRC.

No Pledge of Allegiance due to Absense of a Flag.

Minutes of the Meeting of Spetember 10, 1987, approved. The HRC regular meeting of September 24 was cancelled to mark the observance of Rosh Hashana.

COMMUNICATIONS

- From Arlo Hale Smith, Corresponding Secretary, San Francisco County Democratic Party, a copy of his letter to Police Chief Frank Jordan, requesting investigation into allegations of racial and sex discrimination by a Police officer recently transferred from the mounted unit.

- From Mayor Dianne Feinstein, a Memorandum to all Department Heads and Boards of September 14, 1987, inviting participation in several events in conjunction with Annual Navy Fleet Week beginning October 10.

- From Frank S. Gung, Chairman, Council of Asian American Business Associations, a copy of his September 28 letter to Louis A. Turpen, Director of Airports, offering five suggestions "for the proposed subleases" to minority and women-owned firms as part of the Host-Food and Beverage lease option.

- From Warren Seeto, President, Asian Business Association, a copy of his September 29, 1987 letter to Mr. Turpen, making five specific suggestions for items needing clarification relative to the Host-Food and Beverage lease option.

- From Gecmen Liu, President, United Asian Contractors Association, a cppy of his September 29 letter to Mr. Turpen, submitting the same suggestions listed by Mr. Seeto, in an identical letter.

- From John L. Taylor, Clerk of the Board, a Memorandum to all Department Heads, encouraging (at the initiative of Supervisor John L. Molinari) the avoidance of holding meetings during the Jewish High Holidays, September 23, 24, and 25, the evenings of October 2, and the day of October 3.

- From Mara E. Rosales, Deputy City Attorney, a September 10 Memorandum to Director Mickins enclosing copies of a Judgment Granting Peremptory Writ of Mandamus, the Writ, and a Statement of Decision regarding the case of Malaco v. HRC (Superior Court N. 876-799). See Special Order section of these Minutes below.

- From Mayor Feinstein, her final State of the City Message , released October 5, 1

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Projected City Budget Deficit .

The City Controller's and Budget Analyst's offices have jointly projected a possible City budget deficit for the next fiscal year of approximately $76 million. The Mayor's Office has asked all City departments to re-assess their funding levels and reduce them in areas they feel they need not cover. Director Mickins said that th HRC is, in fact, underfunded by some $108,000 to carry out its mandate, which fact has been reported to the Mayor's Office.

- Proposed Immigrant and Refugee Status Study.

Supervisor Nancy G. Walker is in the process of proposing creation of a Commission on Immigration, and as a preliminary has proposed a study on the status of immigrants and refugees in San Francisco , to be done by the HRC. The Mayor has initially indicated that there is no funding at present for such a Commission. Jack Casford attended a meeting September 24 in Supervisor Walker's office with advocacy representatives working in the area of immigrant and refugee needs and services.

The HRC's Social Issues and Police Liaison Committee will hold a discussion meeting October 15 at 3 PM in Room 509 of the HRC offices at 1095 Market Street, and the HRC has, further, enlisted one intern and is seeking another to work on a status study.

- Los Angeles MBE/WBE Definitions Proposal.

The Communications sections of the HRC's September 10 Minutes referred to material provided by Supervisor Nancy G. Walker, who asked that the HRC consider a definition change in its Chapter 12D language for the MBE/WBE/LBE program relative to minority/women designations. Mr. Mickins said that this would be a factor in the upcoming revision of the HRC Rules and Regulations and that the HRC would be responding to Supervisor Walker.

SPECIAL ORDER

HRC decision in compliance with Superior Court Order #876-799 "Notice of Entry of Judgment Granting Peremptory Writ of Mandamus" and the "Peremptory Writ of Mandamus" issued September 2, 1987 by Judge Lucy Kelly McCabe in re:

Malaco International, Inc.

v.

Human Rights Commission, City and County of San Francisco

Director Hickins read in full a Memorandum he wrote to all Commissioners October 2, spelling out his recommendation for HRC action in following the Writ of Mandamus, and recommending also that the HRC schedule a hearing on its regular agenda for October 22, 1987 to decide any of the following courses of action:

1. That the matter be remanded back to the Hearing Officer with the direction to receive further evidence in support of the charge.

2. That the matter be remanded back to the Director to reinvestigate and submit any further evidence in support of the charge, if any exists.

3. That the matter be summarily dismissed.

As background: Carl D. Washington of the Freedom Investment Company filed a Protest and Complaint with the HRC on May 30, 1986, in connection with bids opened May 16, 1986 by the Purchasing Department on a contract to supply diesel fuel for the Municipal Railway. Mr. Washington challenged award of this contract to Malaco International, Inc. Vicky Zimpel, an HRC staff Coordinator, did an investigation of Mr. Washington's complaint. Director Grant Hickins issued a Director's Finding October 6, 1986 and amended on December 31, 1986 to the effect that Malaco International Inc., was "...in willful or bad faith Noncompliance...and was, therefore, ineligible to receive the...contract." Fuhher, Malaco was disqualified as a bidder on any City project for one year and assessed liquidated damages of $5,793.10 (The quotation is excerpted from the text of the Determination of Hearing Officer Caryl Mezey issued March 10, 1987.)

Malaco International, Inc. appealed. The Appeal Hearing by the HRC was held May 14, and continued to June 4, 1987. There was no majority vote by the HRC at the June 4 hearing to reverse the Director's Finding of Noncompliance against Malaco, but it did modify the Director's recommended sanctions of liquidated damages of $397,000 against Malaco.

Malaco filed a petition for a Writ of Mandamus from the Superior Court and asked for a stay. The stay was issued June 9 by the Court.

On September 2, 1987, Superior Court Judge Lucy Kelly McCabe issued a Peremptory Writ of Mandamus, '...requiring the (HRC) to set aside its decision leaving in effect the Finding of the Director (of) October 6, 1986...' and "restoring Malaco to the status of an eligible LBE/MBE bidder for City contracts." (Wording is from the Writ text itself.)

Director Hickins said that counsel for Malaco has been advised of the Director's Memorandum of October 2, cited above, and that..."the primary purpose of this calendar is to bring the Commission into compliance with the Writ issued by Judge McCabe." He said counsel for Malaco have indicated they would be willing to come to an HRC discussion at its October 22 meeting.

Deputy City Attorney Mara Rosales, who has represented and advised the HRC during the entire process in the Malaco case, was present, but was incapacitated by laryngitis.

It was then

****m/s/c that the HRC action leaving in effect the Director's Finding of October 6, 1986, be set aside and that it restore Malaco to the status of an eligible LBE/MBE bidder for City contracts.

The wording of the motion was advised by Ms. Rosales, referring to the specific wording in the Writ of Mandamus. The vote was unanimous.

Chairperson Soler announced that further discussion of this action and this matter would take place at the HRC's regular meeting October 22, 1987.

STANDING COMMITTEES

EMPLOYMENT

Commissioners Larry Martin/David Yamakawa, Co-Chairpersons

- Commissioner Martin asked that the scheduled presentation by Kevin Williams, on Employment on City-Funded Architectural/Engineering Consulting Contracts as of June 30, 1986 be deferred from this agenda to the next meeting.

- At this point, as Deputy City Attorney Rosales left the meeting, she advised Chairperson Soler that a written opinion has been prepared on the matter of the jurisdiction questions that arose in the challenges to the City's Department of Recreation and Parks granting use of Candlestick Park to the Archdiocese of San Francisco for the visit of Pope John Paul II in September to San Francisco.

- Employment Committee Recommendations on Revisions to Chapter 12B of the San Francisco Administrative Code-Vicky Zimpel, Coordinator; Veronica Ng, Contract Compliance Representative (employment liaison in construction) both of the HRC staff.

The written report from the Employment Committee with its recommendations on these revisions was provided in the Commissioners' packets, and the speakers used this document for their verbal presentations. Also provided was a copy of an earlier Memorandum, from the subcommittee recommendations for revisions that went to the Employment Committee.

Ms. Zimpel began the presentation by giving a background to the recommendations for revision from the full Employment Committee. Some eight months ago, the HRC asked the Committee to create a subcommittee to study the penalties under Chapter 12B to see if they needed to be strengthened. Members of that subcommittee included representatives of Chinese for Affirmative Action, Women In Apprenticeship, Wom Carpenters, Youth Community Developers, and the Mission Hiring Hall. There was agreement that Chapter 12B (the City's Administrative Code Nondiscrimination Ordinance did need stronger penalties, which had not changed since its adoption in 1968.

Ms. Zimpel reviewed the procedures followed under Chapter 12B, its application to all City contractors, the complaint process up through notification, hearing, investigation, review, and a Direct Finding, noting that the penalty still included under Chapter 12B is a fine of $50 a day for each day of noncompliance or discrimination, and disbarment from City contracting for up to two years.

Ms. Zimpel emphasized the large amount of staff work that takes place before a complaint can be filed. If, for example, a contractor appears to be in noncompliance, an effort is made to bring the contract up to compliance, involving meetings with the contractors, liaison with outreach groups to help the contractor hire minorities and women, setting remedial affirmative action programs with goals and timetables, giving time to the contractor to comply, etc. Contractors can also be found to be operating in good faith by HRC staff, and therefore no complaint of nondiscrimination is merited.

Ms. Zimpel said that based on the fact that so many of the above-cited protections and aids to contractors are in place already, that the recommendations of the subcommittee for the revisions are fair, will make Chapter 12B work better, and probably result in the filing of fewer complaints.

The subcommittee was acting, its report said, on the widely-held view that the 12B penalties do not act as an effective deterrent to noncompliance, they are much weaker than the sanctions for violation of Chapter 12D, the MBE/WBE/LBE Ordinance; and there are no penalties such as the withholding of funds (nonpayment of a portion of contract dollars for lack of good faith in compliance efforts).

Ms. Zimpel then introduced her colleague, Veronica Ng, calling her a "tremendous asset to the Commission" in her work in construction, in working on resolving the problem of women's participation in the building trades in the City, etc.

Ms. Ng then briefly sketched out the formation, in February 5,,1987 of the subcommittee.

Ms. Ng briefly reiterated the formation, in February 5, 1987, of the subcommittee (its represented groups named above), and the input it obtained about the feeling that the penalties were ineffective in fostering noncompliance. The subcommittee then made the following recommendations for inclusion in Chapter 12B, the Nondiscrimination Ordinance in the City Administrative Code:

1. Withholding of funds on a contract in order to ensure compliance with the provisions of Chapter 12B.
2. A penalty of one thousand dollars ($1,000) for every calendar day during which discrimination or noncompliance has occurred.
3. Liquidated damages in an amount equal to the bidder's, contractor's or subcontractor's net profit on the contract, or 10% of the total contract amount or one thousand dollars ($1,000), whichever is greatest, for each failure by a bidder, contractor, or subcontractor or other business to comply in good faith with any provisions or Chapter 12B.
4. Disqualification of a bidder, contractor, or subcontractor or other business from eligibility for providing goods and services to the City and County for a period not to exceed five years, with a right to review and reconsideration after two years by the HRC upon a showing of corrective action indicating violations are not likely to reoccur.
5. That the HRC "sign off" (which means to verify that the contractor has fully complied with all affirmative action requirements by the end of the job) on the good-faith compliance of contractors pursuant to Chapter 12B, prior to the release of the contract funds held back until the City certifies the contract work is complete.

The subcommittee also recommended that these penalties, or any reviewed revised penalties, if approved by the Employment Committee and the full HRC, be forwarded to the City Attorney for incorporation in a proposed amendment to Chapter 12B. The proposed amendment would then be forwarded by the HRC to the Board of Supervisors for recommended adoption.

In addition, Ms. Zimpel reported, the Employment Committee recommended that the HRC include a further penalty (also modeled on a similar provision in Chapter 12D) for violation of Chapter 12B:

"Findings of Fraud on the Part of Contractors in the Submission of Forms.

Upon a finding of fraud by a contractor, subcontractor, or supplier in completing any forms, reports, or other documents submitted to the Human Rights Commission, the Commission may impose the following sanctions:

A. A penalty deduction from the amount payable to the contractor, subcontractor or supplier by the City and County under any contract for public works or for the purchase of goods or services, a penalty in the amount of one thousand dollars for each calendar day since the date of the occurrence of the fraud.

B. Determination that the contractor is an irresponsible bidder as to all future contracts.

C. Referral to the appropriate legal authorities of the contractor charged with fraud or willful violation of the "under penalty of perjury provision".

With Commissioner Martin personally commending Ms. Zimpel and Ms. Ng. for their exemplary work on these revisions, it was then

****m/s/c that the HRC adopt the recommendations of the Employment Committee on revisions to Chapter 12B of the San Francisco Administrative Code.

Commissioner Lee suggested the B. above be altered to substitute "eligible" for "irresponsible" in the sentence, "Determination that the contractor is an irresponsible bidder as to all future contracts."

It was then

****m/s/c to refer consideration of this language-change suggestion to the Deputy City Attorney.

LESBIAN/GAY ADVISORY
* YOUTH AND EDUCATION COMMITTEE

Commissioners Phyllis Lyon/Sal Rosselli, Co-Chairpersons
*Rabbi Allen Bennett/John C. Morrissey, Co-Chairpersons

- Request that the HRC be one of the Sponsors of a proposed conference on "Youth Suicide: High-Risk Populations", to be held in March of 1988.

The conference currently is co-sponsored by the Delinquency Prevention Commission, the Center for Special Problems, San Francisco Suicide Prevention, the Multicultural Resource Center, the Gay/Lesbian Youth Advocacy Council, and the Lesbian/Gay Health Coordinating Committee of the Department of Public Health. The co-chairs of the planning group are: Ruth Hughes of the Center for Special Problems, and Kristen Backler, of the Delinquency Prevention Commission.

It was then

****m/s/c that the HRC be one of the sponsors for a proposed conference on "Youth Suicide" High-Risk Populations. The vote was unanimous.

- It was announced that Jackie Winnow will be in Washington, D.C. October 11 to participate in the National March on Washington for Lesbian and Gay Rights. Norm Nickens, also of the HRC staff (the AIDS Representative), is to be a part of the event as well.

ADMINISTRATIVE
George Suncin, Chairperson

- Analysis of Management of Objectives---Fiscal Year 1986-1987 Program Performance of the HRC--Gail Roberts.

Ms. Roberts has been coordinating preparation and compilation of these statistics since HRC was included in the program in 1982.

The HRC has established 13 program objectives: six in the Minority/Women/Local Business Enterprise program, one in Contract Compliance, two in Dispute Resolution, one in Fair Housing, one in Lesbian/Gay issues, one for the Intergroup Clearinghouse, and one for Administration.

Ms. Roberts followed a detailed Program Performance Assessment chart of six pages and a Detailed Performance Report of nine pages.

For the 13 objectives, there are 78 performance measures 41 for Fiscal Year 1986-87 exceeded their targets 12 met their targets and 25 did not meet the targets, for an overall 67.95% of meeting or exceeding targets. Mayor Feinstein, Ms. Roberts stated, has said her level is 80% for "management excellence."

The reports are compiled quarterly, the assessments are submitted at the end of six months and annually. They are based largely on detailed monthly narrative/statistical activity reports compiled by each HRC professional staff.

The HRC, in fiscal 1986 brought down the average time it took to complete Chapter 12B complaint cases from two years to one.

Ms. Roberts responded to an inquiry from Commissioner Yamakawa.

It was then

****m/s/c to accept the Managment-by-Objectives report.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 22, 1987 at 9 AM in Room 1200 of the State Building, 350 McAllister Street.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Wednesday, November 14, 1987 5-6:30 PM Room 509 HRC Offices, 1095 Market Street
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, October 20, 1987 5:30-7:30 PM Room 1200, State Building, 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, October 15, 1987 3:30 PM Main Library, Commission Room, Civic Center
SOCIAL ISSUES AND POLICE LIAISON	Thursday, October 15, 1987 3 PM Room 509 HRC Offices
YOUTH AND EDUCATION	Thursday, October 15, 1987 3:30 PM Room 1200, State Building, 350 McAllister

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

DOCUMENTS DEPT.
NOV 12 1987
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the meeting of Thursday, October 22, 1987
Room 1200 350 McAllister Street

NEXT MEETING

DATE: Thursday, November 12, 1987
TIME: 9AM
PLACE: Room 1200 State Building
350 McAllister Street, Civic Center

This is the only scheduled regular meeting of the HRC in the month of November. The fourth Thursday, November 26, Thanksgiving Day, is a legal holiday.

ROLL CALL

Commissioners

Present: Esta Soler, (presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Corrine Lee, Phyllis Lyon, John Morrissey, Nicerita Revelo, George Suncin, Brenda Wade, David Yamakawa
Excused: Larry Martin, Sal Rosselli

Staff

Present: Grant Mickins, Jack Casford, Don Hesse, Clemente Newball-Obregon, Richard Norton, Gail Roberts, Mary Gin Starkweather, Vicky Zimpel
Ralph Hurtado, Liaison from the Mayor's Office.

Guests: See under Director's Report for introduction of consultants to the HRC's MBE/WBE/LBE Outreach Program.

See under Special Order for counsel for Malaco International, Inc.

Mara Rosales, Deputy City Attorney, and, replacing her during her maternity leave to February 1, 1988, Rose Miksovsky, Deputy City Attorney.

Sandra Crumpler, Airports Commission staff.

No Pledge of Allegiance due to absence of a Flag.

- Minutes of the Meeting of October 8, 1987 approved with two corrections:
  - On Page 1, a typographical error made it read: Minutes of the Meeting of Spetember 10, 1987.....which should be September.
  - On Page 6 seven lines from the top of the top of the page, it should read: "Commissioner Lee suggested the B. above be altered to substitute "ineligible" (not "eligible") for "irresponsible" in the sentence,.....etc.

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board, a Memorandum to All Department Heads of October 6, 1987, informing of the request of Supervisor John L. Molinari, Chair of the Finance Committee of the Board, that they propose specific line item expenditure reductions which would reduce the General Fund portion of 1987-88 budgets by a total of 1.6 percent. Submittal to the Budget Analyst's Office is to be by October 30.

- From Louise H. Renne, City Attorney, a Memorandum to All Department Heads of October 13 advising, on request of the Clerk of the Board of Supervisors, what items before the Board require findings under Proposition M, approved by the electorate November, 1986. Proposition M applies to the City's Master Plan, with Priority Policies applicable to zoning ordinances, environmental quality studies, permits for demolition, conversion, or change of use, etc.

- From Richard S. Hirschhaurt, Regional Director, Anti-Defamation League of B'nai B'rith, inviting Director Grant S. Mickins to a reception November 3 to hear details of a "special prejudice awareness and reduction campaign called "A World of Difference," to combine TV programming and public service announcements.

- Announcement of a luncheon honoring Jane Morrison, retiring after 35 years on November 30 from KNBR-NBC Radio. Ms. Morrison is Chairperson of the Friends of the HRC. See Director's Report below.

DIRECTOR'S REPORT

- 1. Complaint of Huel Washington (Sun-Reporter newspaper employee) v. Duty Free Shoppers.

Duty Free Shoppers is a major concessionnaire at San Francisco International Airport. Mr. Washington alleges discrimination on the basis of race under Chapter 12B of the San Francisco Administrative Code. Duty Free Shoppers' contract for continuation of its lease is due to be awarded by the Board of Supervisors. Section 6.55, of Chapter 6 of the San Francisco Administrative Code (an amendment authored by Supervisor Richard Hongisto and signed into law by Mayor Feinstein July 2, 1987) authorizes the HRC to "...review all contracts prior to award, for compliance with non-discrimination provisions of Chapter 12B of the San Francisco Administrative Code."

Director Mickins asked that the HRC delegate to him the authority to proceed with the investigation of the complaint based on the "reasonable assumption" rule, and noted that Section 6.55 (d) states that "Any duties required of the Commission under this section may be delegated by the [illegible] Commission to the Director."

It was then

****** m/s/c that the HRC delegate to the Director authority to proceed in investigation in the complaint of Huel Washington v. Duty Free Shoppers. The vote was unanimous.

2. Update on the Folsom Street Hotel AIDS Discrimination Case.

This report was at the request of Commissioner Bennett. Mr. Mickins asked Norm Nickens, the HRC's AIDS Representative, to give background.

Mr. Nickens distributed copies of a newspaper account in the San Francisco Chronicle that ran approximately September 10, 198, which states that the AIDS-discrimination case was filed with the HRC charging that the Folsom Street Hotel manager has not provided services for patients who have AIDS or AIDs-related complex.

Mr. Nickens said that he would not be able to discuss the substance of the complaint filed with the HRC because it was still being investigated.

He said that the issue has been one of concern for approximately one and a half years. The hotel, owned by Charlie Patel, managed by Mike Amin, is a 43-unit structure, which over the last five years has had numerous ownership/management changes. The manager before the present simply "walked away" with all the records of the hotel. There had been 25 to 35 AIDS/ARC patients as residents, some living as rent-paying tenants, some paying no rent, and some living there by permission of the former manager. After a request for help from hotel residents went out to the Police Department and the HRC after the former manager had left, a long mediation meeting helped organize a tenants union, to represent them in their dealings with the Department of Social Services. Placements of AIDS patients had been by Shanti and other AIDS-population-serving agencies.

Living conditions continued to deteriorate, at which point, Mr. Nickens said, the City's Department of Public Health contracted with Catholic Charities to provide a residential program on-site, counseling support, social services support, etc. The program is funded through the City, he said.

After the program began, there began to be problems with the current manager of the hotel, Mike Amin, who allegedly locked the only bathtub room, and, reading from the complaint to the HRC (Nickens), "failed to rent to or evicted or terminated AIDS patients, refused services or repairs or improvements for persons with AIDS or perceived to have AIDS, and, with management staff, subjected AIDS persons to verbal and physical harassment."

Mr. Nickens stated that the complaint "highlights" the fact that the City does not presently have a policy for providing housing to persons with AIDS.

He introduced Kevin Gogin, Catholic Charities program director at the hotel. Mr. Gogin gave a brief rundown of Catholic Charities' involvement in the Folsom Street Hotel issue since March of 1987 to provide concentrated social services and counseling services for AIDS patients. The hotel, he said, presently is a part of the City's homeless program. Thus rooms not used by the Catholic Charities program are filled by persons living there under three-day vouchers issued by the City. Mr. Grogin repeated the allegations that Mr. Nickens had cited against the present management (bathroom locked; refusal of services to AIDS patients, harassment; threats to the Catholic Charities staff, etc.). Mr. Grogin said presently four AIDS patients remain in the hotel, two too ill to move, and that his program still has a relief worker on the hotel site. He said efforts to introduce a public health nurse to talk to the manager, Mike Amin, and explain the nature and transmission of AIDS, has been rebuffed.

There then followed commentary and questions from many of the members of the HRC to Messers Gogin and Nickens. Mr. Nickens stressed that the HRC involvement in the formal complaint is under Article 38, the AIDS Discrimination Ordinance.

It was reported that the Folsom Street Hotel charges $405 a month for a single room. General Assistance benefits total some $310 a month.

*******Chairperson Soler asked that Mr. Nickens make a subsequent report to the HRC at its next meeting so it can evaluate how it may have some impact on the situation.

3. Study on the Status of Immigrants and Refugees in San Francisco.

Supervisor Nancy G. Walker has requested that the HRC conduct this study. A Special Meeting of the Social Issues and Police Liaison Committee was held October 15, and drew many representatives of immigrant and refugee-serving and advocacy groups, who, with members of the Committee, formed an Ad Hoc Committee to advise on the study. Also present and joining were representatives of the United Way of the Bay Area, and two student interns who will be working on it, Ms. Janice Trapp and Mr. Jose Garcia.

Mr. Mickins presided at the meeting, which was co-chaired by Commissioner Nicerita Revelo and Brenda Wade.

The details of the problems to be addressed and studied were outlined at this meeting, which led to a second meeting October 21 at the offices of United Way of the Bay Area, which also is deeply involved in such research. At this meeting, the focus was on respective charges to the HRC and United Way, and Mr. Mickins said it looks as if the HRC will be concentrating on services and status within City departments that deal with immigrants and refugees.

An approximate target date for completion of the study of February 1 was cited by Mr. Mickins.

Supervisor Walker is kept apprised of progress on the study.

The next meeting of the Ad Hoc Committee will be Thursday, October 29, at 3 PM in Room 509 of the HRC offices at 1095 Market.

4. Retirement Event for Jane Morrison, Chairperson of the Friends of the HRC.

A luncheon is being held for Jane Morrison, Chairperson of the Friends of the HRC, on November 6 at the Grand Palace restaurant. Ms. Morrison is retiring after 35 years with KNBR-NBC radio. For information, contact Gimmy Park Li, at KNBR Radio.

Staff was asked to draft a Resolution commending Ms. Morrison on behalf of the HRC.

5. MBE/WBE/LBE Public Information Program Consultants.

Mr. Mickins introduced consultants hired to develop a public information program to disseminate as widely as possible particulars on the MBE/WBE/LBE contracting program. Introduced were: Risa Martyn, President, and Ronit Milstein, Project Manager, of Communicomp, and Norman P. and Harriet M. Ishimoto, partners in Kiyomura-Ishimoto Associates.

Commissioner Soler asked that the HRC staff expedite processing of the contract, and was assured that is being done.

6. Mara Rosales, Deputy City Attorney, is leaving on maternity leave until February 1. Ms. Rosales has been providing legal counsel and representation to the HRC. She introduced Rose Miksovsky, also a Deputy City Attorney, who will, with Burk Delventhal, provide legal counsel to the HRC in her absence.

Chairperson Soler expressed the good wishes of the HRC to Ms. Rosales in her confinement.

SPECIAL ORDER

Reconsideration in the Case of Malaco International, Inc., v the HRC.

- For Malaco International, Inc.: Claudia S. Huttner, of Adams, Sadler & Hovis.
- For the HRC: Deputy City Attorney Mara Rosales.
- For the HRC: A court Reporter, Mark I. Brickman, who took a verbatim account of the proceedings by stenotype.

On October 8, the HRC voted to set aside its previous action leaving in effect the Director's Finding of October 6, 1986 (that Malaco International, Inc., was in noncompliance with Chapter 12B of the City Administrative Code). This action was in response to a Peremptory Writ of Mandamus that had been issued by Superior Court Judge Lucy Kelly McCabe on September 2, 1987. The HRC;s October 8 action also restored Malaco to the status of an eligible (LBE/MBE) bidder for City contracts, as directed by the Court.

Director Mickins had prepared a Memorandum to all Commissioners for this October 22 meeting, repeating the three options he said the Commissioners had following the granting of the Peremptory Writ of Mandamus:

1. To remand the matter back to the Director for further investigation.

2. To remand the matter back to the Hearing Officer with instructions to receive further testimony.

3. To dismiss the matter.

Mr. Mickins said that he had reviewed each of the three alternatives and recommended that the second be followed: to remand back to the Hearing Officer to receive further evidence, and report her recommended decision to the HRC within a reasonable period of time as determined by the Commission.

Director Mickins introduced the discussion, saying that the HRC staff has restored Malaco International, Inc. to eligible bidder status. He cited his Memorandum with its three alternatives offered and his recommendation that the matter be remanded back to the (Appeal) Hearing Officer. He said he still feels that his original Finding of October 6, 1986 is basically a thorough Finding, based on the investigation he made. He said referring it back to the Director would not necessarily expedite the matter or change the circumstances.

However, he continued, persons are noted in the Finding who were "vital" to a full understanding of the case, two of whom were out of the jurisdiction at the time of the June 4 Appeal Hearing. (They were Jim Lawrence, the non-appearing co-respondent in the case, who had made allegations to the complainant, Carl D. Washington, who also was not present for the Appeal Hearing.) Two City employees also were pertinent to the case, Mr. Mickins, said, and he urged that the appearances ofthese men would help the Hearing Officer re-consider the case with a broader review and make a recommendation on the basis of more evidence. He said that HRC would make a more diligent effort to find and produce these witnesses at a re-opened Appeal Hearing.

The Commissioners then commented on the Director's recommendation:

- Commissioner Morrissey said he agreed with it, suggesting that it be more specific in advising the Hearing Officer she was to hear further evidence as obtained by the HRC staff.

- Commissionr Lyon said she favored remanding the case back to the Director, to find the witnesses who failed to appear originally., and then bring them to the Heraing Officer, who does not have investigatory power, but only reviews what is brought before her.

- Chairperson Soler also noted that the Hearing Officer hears evidence already collected, and noted as well that originally there were vital pieces of evidence missing.

*****Asked to advise the HRC at this point, Ms. Rosales commented that she preferred to remain with the recommendations and alternatives noted by the Director.

- Ms. Huttner, counsel for Malaco International Inc.,was then invited by the Chairperson to speak.

She said that, for her client, they strongly recommend against remanding the case back to the Hearing Officer, for the following reasons:

1. Judge McCabe, who issued the Peremptory Writ of Mandamus, found no evidence to support the Director's original Finding against Malaco, and in her Judgment text wrote, "...it would be a gross miscarriage of justice if the suspension of Malaco's ability to do business with the City were not forthwith lifted."

2. As to the issue of remanding, Ms. Huttner pointed out that the issue had begun with a filing of a Protest and Complaint with the HRC on May 30, 1986, and that Malaco had been defending itself since that time, suspending its ability to do business with the City.

3. The Complainant, Carl D. Washington ("and other parties") had "clear notice" of the dates, time, and place of the Appeal Hearing, yet did not appear.

4. It would be unfair once again to require Malaco to go through the procedural steps already covered.

Ms. Huttner said that the record shows that Mr. Washington had been notified of the Appeal Hearing, and that his secretary had called to confirm the time and date. Mr. Mickins confirmed that Mr. Washington admitted he had reeeived notice. that Mr. Washington apparently and some other engagement that prevented him from attending. Mr. Mickins said that the HRC had also attempted to obtain the presence of Mr. Jim Lawrence, President of National Petroleum Marketing, Inc. , but without success.

Ms. Huttner stated that the records show that Mr. Lawrence had demanded immunity before speaking to the investigator or the HRC.

- Commissioner . Fernandez then commented that in her opinion the matter should be remanded back to the Director, for the purpose of determining whether or not Mr. Lawrence's presence and testimony can be obtained, and of discussing his request for immunity." This would, she said, avoid having another Appeal Hearing where relevant witnesses do not show up.

- Commissioner Morrissey said that it should be the responsibility of the Director to present any new evidence HRC staff investigation may obtain.

- Commissioner Lyon then moved that the matter be remanded back to the Director for further investigation, and that he be asked to report back to the HRC on his work. In discussion on the motion that followed:

- Commissioner Lee said that she favored dismissing the matter. She said that case has dragged on, and that both parties had (already) been given an opportunity to present their evidence, and that permitting introduction of new evidence at this stage might set a precedent for remanding in other cases.

- Commissioner Yamakawa said that he wished to speak against the motion to remand to the Director because: it had not been requested by the Director; and because Mr. Mickins has stated that he feels his investigation to date has been complete, and that remanding would simply prolong the matter, and nothing would be served.

- Commissioner Fernandez spoke in favor of remanding to the Director. She said that there may be, in the request for immunity, a "criminal element: in the case. She said that if immunity can be obtained for Mr. Lawrence, and he can be brought to give testimony, then new evidence may be obtained that will permit a broader presentation before the Hearing Officer. She said the HRC has a duty to have the Director determine if there is new evidence crucial to the case that can be obtained by having Mr. Lawrence testify under immunity.

- Ms. Rosales, at Chairperson Soler's request, advised that, in view of the participation at this meeting of Commissioners who did not participate in the Appeal Hearing, in consideration of the merits of the case, all Commissioners would have to have reviewed everything that has occurred to date. If a Commissioner has not been a part of the issue beforehand, that is not a problem as far as the procedural point of remanding being worked out at this meeting. Only in deciding on the merits of the case would a Commissioner have to have reviewed every step of the matter that has taken place.

- Commissionee Wade expressed her support of Commissioner Fernandez's position (possible "criminal element") to remand back to the Director, saying the HRC has a duty to investigate (vis a vis the request for immunity, etc.), but she said that if there is no new evidence, the matter should be dismissed.

- Commissioner Yamakawa said that the HRC had no duty to investigate on the rationale of Commissioner Fernandez, saying that other departments of the City have that power.

- Commissioner Hardeman said that he had concluded that justice had not yet been served in the case, and that he opposed dismissal.

- Commissioner Fernandez re-stated her position that if a "criminal clement" were found to be a factor in the case, the investigation should bring that forward for referral to the District Attorney.

********The question was called, and, on the motion (Commissioner Lyon) that the matter be remanded back to the Director for further investigation, to be reported back to the HRC, the HRC voted (the voice vote was polled) 8 to 5 to remand.

Ms. [illegible]tner for Malaco asked what the timeline was on the matter. Director Mickins recommended no later than April 1. Chairperson Soler asked that, without knowing how difficult it will be to obtain the new evidence, there be an earlier time set.

Commissioner Lee asked why it should take so much time to find the witness and clarify the immunity request.

****The Chairperson asked Director Mickins to report back to the HRC on November 12 (its next regular meeting)on the length of time he will need.

The scope of the remanding vote (investigation) was then summarized by Chairperson Soler as looking at the many pieces of new evidence noted during the Appeal Hearing in question, with Mr. Lawrence's testimony as a major piece of that new evidence.

Commissioner Yamakawa said he wished for the record to state that there is no new evidence, as that term is defined legally.

Commissioner Lee asked also that the record show that she concurs with Commissioner Yamakawa's stated opinion.

STANDING COMMITTEES

EMPLOYMENT

Larry Martin/David K. Yamakawa, Jr., Co-Chairpersons

Employment on City-Funded Architecture/Engineering (A/E) Consulting Contracts as of June 30, 1986- Kevin Williams, HRC Contract Compliance Representative.

Mr. Williams prefaced his report by expressing his thanks for the support of HRC management, and acknowledging the Employment Committee, Co-Chairperson Yamakawa, and his contract compliance unit colleagues for their input and collaboration.

Against all odds, he commented, the HRC program has been an "overwhelming" success, in terms of increasing the employment opportunities for minorities and women in the City through City Contractors.

This comprehensive report covering the period from 1983 to June 30, 1986, had been presented to and approved by the Employment Committee in September, and included a seven-page narrative section, fourteen pages of charts and statistics, and a listing of some 55 architectural/engineering firms that who held City contracts during the reporting period.

Mr. Williams followed the narrative section closely in his presentation, and brought out the following highlights:

1. Four major departments were monitored, with a total of 47 contracts, representing more than $10 million in contract awards. The departments were: the Clean Water Program and Department of Public Works, San Francisco International Airport, the Port Authority; and the City Planning Department.

2. Technical occupations covered in HRC monitoring included architects, planners, interior designers, geotechnical enginners, structural engineers, administrative support staff; and environmental impact planning personnel.

3. In its Affirmative Action Program, the HRC monitors all prime and subconsultants on City-funded projects where the fee exceeds $50,000. Prior to receiving approval of award of a City contract, a consultant is required to analyze its workforce and to identify areas of under-representation compared to the HRC's goals. Once an area of underrepresentation has been identified, the consultant is required to set a goal and a timetable for correcting the underrepresentation The goal must then be approved by the HRC staff.

In order to monitor compliance with the goals and to ensure maximum employment opportunities to minorities and women, consultants must submit workforce reports (HRC A/E Form 4) semi-annually to HRC Compliance staff for the purpose of monitoring the firm's three levels of employment professional, technical, and administrative.

The HRC A/E Form 4 tracks minority and women employment participation in the consultant's overall workforce. In addition, the form identifies the consultant's outreach efforts, i.e., new hires, upgrades, promotions, transfers, etc.

Mr. Williams' report explains the minority/women employment goals the HRC established by keeping records of workforce data of all local firms submitting proposals to the City over a two-year period. The averages developed, in percentages, enabled the HRC to formulate goals that were then incorporated into the Affirmative Action program itself. Generally, statistics showed, the HRC set minority participation goals in professional staff levels between 25% and 30%, and for women between 5% and 15%.

The report shows also the record of attainment of goals for minorities and women in the various job classifications, citing increased outreach in schools and professional associations in order to meet levels set. It states, "It appears on all quarters there must be a continuous effort to recruit and train youth early on to prepare them for entry into the architectural/engineering professions, and particularly to mee the awesome technological demands of today's market-place, e.g., Computer-Aided Drafting."

In charts comparing the workforce breakdowns obtained by the HRC with the 1980 Census availability, for the reporting period covered, the participation of Blacks identified on City-funded A/E projects was 7%, equal to the 1980 Census average availability of Blacks. Hispanic participation was 2%, compared to availability of 7%; Asians 19% compared with 1980 Census figures of 16% availability.

There was a slight increase in professional women employment participation.

In the training aspect of the HRC's Affirmative Action program, goals for hiring a certain number of trainees are set according to the dollar amount of the project, e.g., project fees between $5,000 and $500,000 have a goal of 1 trainee, project fees over $5,000,000 have a goal of 5.

Trainees are a major part of the HRC's Affirmative Action Program and are defined as minority, woman, or disabled and they can receive training in an A/E - related field for up to twelve months.

The report pays tribute to the Engineering Societies' Committee for Manpower Training (ESCMT) program saying that the great majority of trainees (a total of 32 hired during the reporting period) under the Affirmative Action program continue to come from it. Other sources of trainees are colleges, skills centers, and in-house promotions or referrals.

The report makes four substantial recommendations, the third of which has six components. They are (verbatim from the report):

1. Staff is currently initiating an effort to arrange compliance by way of "Computerized Workforce Tracking" which promises to significantly increase employment monitoring efficiency. Staff has also begun to more effectively achieve compliance through careful monitoring of the provision requiring consultants to submit proposals identifying key personnel on specific projects in addition to setting goals for the overall firm.

2. The AAP information must be submitted along with the consultant's proposal for HRC review and approval. If the HRC deems any aspect of the AAP unacceptable, the proposal may be considered as non-responsive and the consultant ineligible for contract award. The HRC also will utilize its powers to delay award of contracts to consultants (already under contract to the City which are not meeting their goals) until a remedial program is submitted additionally.

3. The following recommendations set forth specific activities that the HRC will implement in order to facilitate outreach efforts to increase the employment of minorities and women on City-funded A/E consulting contracts

   a. With the assistance and guidance of the Employment Advisory Committee, the HRC shall develop and periodically update an employment resource list and provide it to A/E consultants for the purpose of effectively identifying minority/women local, state, and federal employment agencies, minority and women community organization, and recruitment and placement centers.

   b. Invitations will be sent to organizations specializing in A/E employment placement to attend pre-proposal conferences scheduled by the contract-awarding authority or the HRC to facilitate "face to face" contact between such organizations and potential consultant employers.

   c. Consultants will be required as a proof of good faith effort to place timely and adequate advertisements in general circulation media, A/E association publications, and minority-focus media.

   d. Analysis of recruitment sources of those A/E consultants which are not meeting their goals through use of the new workforce tracing form.

   e. Consultants performing City-funded contracts shall provide interested minorities and women with timely and adequate information about job openings. This includes unsolicited applications as well as referrals from placement organizations.

   f. The HRC will routinely evaluate all efforts made by A/E consultants to provide employment opportunities within their firm and project teams to minorities and women. Consultants must provide the HRC compelling documentation demonstrating that minority and women applicants for employment were not rejected as unqualified without sound reasons based on a comprehensive investigation of their capabilities. This information may include, but is not limited to, the following:

      (a) the names addresses and telephone numbers of minority and women applicants that were contacted;

      (b) a description of the job posting or job related description of the work to be performed.

      (c) a list of minority and women applicants received but not hired, with a statement giving reasons for the rejection;

   g. HRC compliance staff shall actively seek suggestions from the Committee concerning ways in which minority and women outreach may be improved, by examining existing affirmative action programs and outreach models and tools presently utilized by individual committee members representing their respective employer organizations. This will ensure a more broad and comprehensive approach, toward development of better outreach procedure and monitoring.

4. The HRC is committed to playing a strong and expanded role in training and educational programs, which will include the following:

   a. Encouraging consultants to participate in "career days" at the City's public schools, especially targeted schools, with special special programs for the disadvantaged.

   b. Encouraging the larger A/E consultants to participate in or develop scholarship programs directed toward underrepresented minority and female youth, particularly on large City-funded projects.

   c. Continued enforcement of the HRC's training program.

Mr. Williams ended his report by repeating that the HRC Affirmative Action employment program in the A/E consulting area had been a recognized success, because of its longstanding commitment to outreach and training programs, enforcement of training goals and new "state of the art" computerized workforce tracking of A/E employment data.

It was then

******m/s/c that the HRC accept the report on Employment on City-Funded A/E Consulting Contracts, July 1, 1983-through June 30, 1986, and adopt its recommendations.

Mr. Williams was commended by the HRC on the quality of his report and presentation.

YOUTH AND EDUCATION
Rabbi Allen B. Bennett/John C. Morrissey, Co-Chairpersons

- Request for Letter of Formal HRC Support for the Christmas Jobs Program.

Director Mickins noted that the HRC had helped originate this annual job-recruitment, referral, and placement program with the downtown retail stores some fifteen years ago, that it eventually had been administered by Youth for Service, and that currently it was being implemented by Horizons Unlimited.

It was then

*******m/s/c to authorize sending a formal letter to George A. Suncin, Director of Horizons Unlimited, expressing the HRC's support for the 1987 Christmas Jobs Program.

- Resignation of Betty Burrell, HRC Contract Compliance Representative.

Vicky Zimpel, HRC Coordinator, announced that Ms. Burrell, a member of the HRC for approximately five years, has resigned. She will be entering the ministry. Ms. Zimpel noted that Ms. Burrell has worked on contract monitoring and negotiations for the Office of Community Development area, had staffed Youth and Education Committee, and, as part of that responsibility, had scheduled speakers for the on-going Youth Guidance Center role-model speakers' program very successfully.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, November 12, 1987 at 9 AM in Room 1200 of the State Building, 350 McAllister.

STANDING COMMITTEE

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Thursday, November 12, 1987 8:30 AM-9 AM 450 McAllister Street, Rm. 1200 State Building
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, October 20, 1987 5:30-7:30 PM Room 1200, State Building 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, November 19, 1987 3:30 PM Main Library, Commission Room
SOCIAL ISSUES AND POLICE LIAISON Ad Hoc Committee on Study of Status of Immigrants & Refugees	Thursday, October 29, 1987 3 PM Room 509, HRC Offices, 1095 Market Street
YOUTH AND EDUCATION	Thursday, November 19, 1987 3:30 PM Room 1200 State Building, 350 McAllister

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:jy

F
80
2
12/87

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, November 12, 1987
Room 1200   350 McAllister
9 AM

DOCUMENTS DEPT.
DEC 11 1987
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, December 10, 1987
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Civic Center

NOTE: Thursday, November 26, 1987, a regular meeting day for the HRC, is Thanksgiving Day, a Legal Holiday, and that meeting is therefore cancelled.

The regular meeting of November 12, 1987 was preceded by a regular meeting of the Administrative Committee at 8:30 AM.

ROLL CALL

Commissioners

Present: George Suncin (presiding), Samuel Chung, Michael Hardeman, Joe Jung, John C. Morrisseey, Nicerita Revelo, Joan San Jule, David Yamakawa.

Commissioner San Jule was sworn in by Mayor Feinstein November 5. See below for HRC welecome to her.

Excused: Allen Bennett, Rosemarie Fernandez, Corrine Lee, Larry Martin, Brenda Wade.

NOTE: Commissioners Esta Soler, Phyllis Lyon and Sal Rosselli were also present.

Commissioner (Chairperson) Soler's term expired September 2, 1987. Commissioner Lyon and Commissioner Rosselli announced their resignations at this meeting. See below under Chairperson's Report.

Staff

Present: Grant Mickins, Jack Casford Eileen Gillis, Don Hesse, Norm Nickens, Pansy Ponzio Waller, Jackie Winnow, Vicky Zimpel.

Bernedette Patrocinio, of the HRC's Clerical/Reception Desk Staff.

Ralph Hurtado, Liaison from the Mayor's Office

Diane Spaugh, San Francisco State intern working with the HRC Lesbian/Gay Liaison unit staff.

No Pledge of Allegiance as no Flag is provided in the meeting room.

Minutes of the meeting of October 22, 1987 approved.

COMMUNICATIONS

- From Michael J. Goldstein, Interim Director, Intergroup Clearinghouse, expressing thanks to Donald Hesse and David Treanor for expediting fiscal concerns of the Clearinghouse and execution of its fiscal 1987 contract with the City.

- From Louise H. Renne, City Attorney, a Memorandum to All Department Heads, giving her opinion, as requested by the Board of Supervisors on those items before the Board requiring findings under Proposition M (the so-called building height restriction ordinance, passed in the City November, 1986, added to the San Francisco Planning Code as Sec. 101.1, Master Plan Consistency and Implementation.)

- From Nancy G. Walker, President, Board of Supervisors, a form letter to Department Heads in her capacity as honorary chairperson of the City's annual charity campaign, to note a forthcoming directory which will give City employees information on their choices for designation of contributions in: Combined Health Agencies, Environmental Federation, and United Way with the addition of The Progressive Way, as a new, additional choice.

- From Mara Rosales, Deputy City Attorney, for City Attorney Louise H. Renne, Opinion No. 87-18, "Applicability of Administrative Code Chapters 12B and 12C to Agreement for the Use of Candlestick Park for Papal Mass", as requested by Grant S. Mickins HRC Director. See Item 2. under the Administrative Committee's presentation below in these Minutes.

- From the Clerk of the Board of Supervisors an October 21, 1987 memorandum to All Department Heads on the Proposed Budget Reductions. This is a followup to the Clerk's October 6, 1987 memorandum relaying the request of the Chair of the Finance Committee, Supervisor John L. Molinari, that line-item expenditure reductions amounting to 1.6 percent of departmental 1987-88 General Fund budgets be submitted no later than October 30. In the followup memorandum, the Clerk urges that department heads (a) make certain reductions "...at least equal for 1.6 percent of...General Fund budgets and (b) that you give every effort in proposing realistic reductions which will impact services as little as possible."

- From Mayor Dianne Feinstein, a Memorandum to All San Francisco Department Heads, asking that they remind drivers of City-owned vehicles to at no time park their cars in non-legal area.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, notice that Minutes of the Civil Service Commission will no longer be sent on a regular basis to departments, organizations, and indivudals on the CSC mailing list.

- From Mayor Dianne Feinstein, a letter to Commissioner Esta Soler, thanking her for her long service to the HRC and advising that her term expired September 2, 1987. See Commissioner Soler's statement in its entirety below in the Chairperson's Report section of these Minutes.

- From Mayor Feinstein, a letter appointing Joan San Jule to the HRC for a term to expire September 2, 1990. See below for formal welcome to Commissioner San Jul from the Acting Chairperson and Director on behalf of the HRC.

- From Steve Cohn member of the Juvenile Justice Commission, to Chairperson Soler (October 22) responding to the HRC's August 20, 1987 letter (through the Youth and Education Committee) urging that the Juvenile Justice Commission work towards establishing library services for the Youth Guidance Center. Mr. Cohn advised that the Jail Project Director for the Public Library has said that budget reductions eliminated service expansion, but that he was taking other actions.

- From Mayor Feinstein, advising Director Mickins that the HRC's two requests under the 1988 Community Development Program have been recommended for Final Proposal funding of $65,000 and $58,000, respectively.

- From Edward Helfeld, Redevelopment Agency Executive Director, a copy of a Memorandum to All City Departments, advising of the death of Earl P. Mills, the Redevelopment's Agency's longtime Deputy Executive Director. Many members of the HRC staff attended memorial services for Mr. Mills on November 4 at the Evergreen Baptist Church.

CHAIRPERSON'S REPORT

Vice-Chairperson Suncin had no report.

He introduced Commissioners Esta Soler and Phyllis Lyon, each of whom read a formal statement to the HRC.

Commissioner Soler's statement in full follows:

I want to thank you for this opportunity to address the Human Rights Commission, members of the Commission's staff, and friends.

As many of you have heard, the Mayor has decided not to reappoint me for another term of service on the Human Rights Commission. Many of you have asked, Why? I ask why, now.

In reviewing the legislative mandates of the Human Rights Commission, I am convinced now, more than ever, that the Human Rights Commission has a critical role to play in making San Francisco a decent and respectable city. Yet , I am deeply concerned that the Human Rights Commission, a body under a legal mandate to enforce strong and resoundingly clear anti-discrimination laws, has been seen, for too long, as a secondary commission in our City government.

Human rights are not secondary issues. Effective affirmative action programs for minorities and women on all City contracts and contracting with minority and women business at a minimum level of 30% for MBE's and 10% for WBE's are not secondary issues. Enforcement of anti-discrimination policies for Lesbians and Gays and the rigorous pursuit of AIDS discrimination complaints are not secondary issues.

Despite the obvious and undeniable importance of the Human Rights Commission's scope of work, I feel the Commission has not been given its proper place in City government. Historically, appointments to the Police, Fire, and Planning commissions, for example, have been seen as the status appointments to the "more important commissions" that a Mayor can bestow upon civic leaders. I simply ask then, "How can a Commission that is perceived to be a less important body monitor and enforce affirmative action programs and anti-discrimination laws city-wide as effectively as it knows how?"

It is absolutely critical that the Human Rights Commission, and its hardworking staff, be given the authority and recognition they so rightfully deserve. A commission on and in pursuit of human rights deserves to be placed on the main agenda for City government....and not hidden in the shadows of other departments, or other political and social concerns.

Furthermore, it is equally imperative that the Human Rights Commission investigate, with increasing vigor, any and all complaints of discrimination. Simply, if the Human Rights Commission sees discrimination, it has to name it. This mission cannot be compromised.

The HRC and the U.S.S. Missouri

Just recently, the Human Rights Commission held a hearing to investigate allegations of discriminatory employment regulations promulgated by the Department of Defense. As a result of this well-attended hearing, the Human Rights Commission, with only one dissenting vote, passed a strongly-worded resolution that the Board of Supervisors to include language in the Memorandum of Understanding with the Navy that expressly prohibited discrimination against Gays and Lesbians in employment. The overwhelming sentiment of this Commission was simply that the homeporting of the U.S.S. Missouri must not ignore San Francisco's strong anti-discrimination laws.

The Human Rights Commission in adopting this particular resolution was acting well within its jurisdictional mandate. Yet, our action received a great deal of public attention because of the controversy surrounding the U.S.S. Missouri.

I assert to you today that all of the workof the HRC desrves the same kind of public scrutiny and public acknowledgment.

Over the years, the HRC has launched important and notable initiatives to safeguard and promote human rights. Several years ago, the Coalition for Economic Equity, the architects of the MBE/WBE program, worked with the HRC to set in place a program designed to eliminate years of unspeakable discrimination in City contracting . Before the advent of the MBE/WBE program, we learned through our public hearing process that only 2.3% of all contracted City dollars went to minority and women businesses. Because of this program, we have witnessed marked improvements in some critical areas.

This past year, through the efforts of our Employment Committee, with leadership from Bay Area's Women's Committee (UBCJA), the HRC has drafted an amendment to our ordinance to increase the sanction provisions levied against contractors who have deliberately and persistently failed to hire minorities and women in City contracts.

Through the efforts of the Gay and Lesbian Committee, the HRC has held a number of hearings, the most notable this past year, focused on AIDS discrimination. As a result of this work, San Francisco had developed one of the most respected AIDS discrimination programs in the country.

Recently, activists in the immigration community have begun to work with the HRC to investigate allegations of abuse in the implementation of the national amnesty program.

And--our important work in housing discrimination, sexual orientation discrimination, and affirmative action monitoring must not be overlooked,

This work and the challenges it represents- have been carried out, in large measure, by a group of dedicated, compassionate and indefatigable workers- the staff of the Human Rights Commission.

As I look back on my one-and-a-half terms as an HRC commission, I am filled with wonderful memories of our work together. I thank you, my former colleagues for all your hard work and I thank the staff of the HRC, and its director, Grant Mickins, for your unquestionable commitment to a strong human rights enforcement program for San Francisco.

The HRC is at an important crossroads. I leave my term of service on the HRC with one thought: Human Rights enforcement in San Francisco must be strenthened, and the pursuit of human rights must never be compromised.

Thank you very much

* * *

Commissioner Lyon then was introduced. Following, verbatim, is the statement she read:

"I want to convey to you, my friends and colleagues, how much I have enjoyed serving on the Commission since March, 1976, when I was firs appointed by Mayor George Moscone. I have worked with some of you since that time, both commissioners and staff, and with others of you more recently. I feel privileged to have had this opportunity.

I have resigned from the Commission in protest of the unconscionable action of Mayor Feinstein in replacing Esta Soler. Esta was our Chairperson and there were only two more Commission meetings to be held this year. To me this is an outrageous and patently political move and shows a flagrant disregard for the work of the Human Rights Commission.

In my estimation Esta Soler has been one of the best and most productive chairs we have had in the almost 12 years I have served on this Commission. Since her appointment she has constantly contributed to the work of the HRC at the highest level, and as Chair she has guided us **through** difficult decisons with a gentle strength which enab**l**ed us to act decisively and cohesively.

The Mayor's action is typical of the lack of respect in which the City's bureaucracy holds the Human Rights **Commission**. An example is the insidious whittling away at the protections afforded Lesbian and Gays in City ordinances. Michael Raines, who sued the War Memorial Board of Trustees for employment discrimination on the basis of sexual orientation, was not protected by the law because he was in management. The City signed a Memo of Understanding with the Navy including language that there would be no discriminationagainst Lesbians and Gays in civilian jobs, knowing full well that the agreementwas not legally binding and therefore unenforceable. During the Pope's visit the Archdiocese was exempted from the nondiscrimination provisions. This was not on the basis of freedom of religion but because the Board of Supervisors, around 1978, amended the ordinance to make exceptions for conventions and similar functions lasting less than 28 days. The reason? To allow the Kiwanis convention to use City facilties even though they discriminated **against** women.

I believe the HRC should look carefully at the loopholes in our ordinances which allow nondiscrimination clausesto be disregarded when it is inconvenient for the City's administration to abide by City human rights policy. It is my hope that you will continue to work closely with the Board of Supervisors on corrective legislation and that the next Mayor will work with the Commission not only to strengthen the ordinances but to empower the Human Rights Commission withthe staff and money needed to enforce those laws you, as commissioners, have been sworn to uphold. The next Mayor must recognize the importance of the Human Rights Commission in safeguarding equal rights and equal opportunity for all citizens of San Francisco."

Commissioner Rosselli then addressed the HRC. He said that he has written he Mayor to teader to his resignation from the HRC. He said that Local 250, Hospital nd Institutional Workers, Service Employees International Union, for which he erves as Senior Representative. is undergoing a major internal reqrganization, on op of which his work has increased so substantially that he finds himself unable to erve his responsibilities as a member of the HRC as he would wish to do.

He also said his resignation letter to Mayor Feinstein had stated that it would e irresponsible of him if he did not **express his** feelings on her decision not o reappoint Commissioner Soler. He said that Esta Soler is one of the most dedicated f the HRC members, and that she has carried out her responsibilites with respect to ayor Feinstein and her Administration. He said he had recommended that the Mayor everse her action and reappoint Commissioner Soler to his vacated place on the HRC.

Commissioner Rosselli ended by expressing his pleasure at working with fellow ommissioner and staff.

The three commissioners whose statement here followed by applause, then left he meeting, after exchanging handshakes and expressions of good luck with their olleagues remaining.

Jackie Winnow, HRC Lesbian/Gay Community Liaison expressed the appreciation f staff to the three departing commissioners.

Introduction of Commissioner Joan San Jule.

Commissioner San Jule was formally introduced and welcomed to her new duties s an HRC member by Acting Chairperson Duncan. In brief remarks, she said that he had been a commissioner on the Housing Authority for 14 years, that she was deeply concerned about the protections of human rights in the City, and look forward to actively participating in HRC work.

- Appointment of Nominating Committee

Vice-Chairperson Suncin named Commissioners Hardeman, Revelo and Wamakawa to the Nominating Committee. They are to present their recommendations for election of a Chairperson and Vice-Chairperson for the HRC at the first meeting in January (January 14) in 1988 for the 1988 calendar year.

DIRECTOR'S REPORT

- Malaco International, Inc., v. the HRC--Followup on Action by the HRC to Remand for Further Investigation.

Director Mickins reported that, in accordance with the action of the HRC at its October 22 meeting remanding this (alleged non-compliance) case back to him for investigation, he requested and has been informed that the City Attorney's Office has appointed, an investigator. Superior Court Judge Lucy Kelly McCabe on September 2, 1987, had issued a Peremptory Writ of Mandamus setting aside the earlier decision by the Commission which in effect left standing the Finding of the Director against Malaco, and ordering that the firm be reinstated as an eligible contract bidder.

The City Attorney investigator is to trace and produce, by all legal means possible, key witnesses in the case who did not originally appear before the HRC's Appeal Hearing Officer in February of 1987.

Mr. Mickins said that the probable date for the next HRC action on this matter would be approximately March 10 (its regular meeting date) in 1988. He noted that Deputy City Attorney Mara Rosales, who has worked on this case from the beginning, presently is on maternity leave and will not return to her duties until February 1.

Mr. Mickins emphasized that the March 10 meeting report he would make to the HRC would be his Finding on the material evidence the City Attorney's Office investigator would be able to obtain from the witnesses in question.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Recommended Adoption of Guidelines to Implement Chapter 6 of the San Francisco Administrative Code, Authorizing the HRC to Review all City Contracts Prior to Award.

Supervisor Hongisto had introduced an amendment which was passed by the Board of Supervisors June 22, 1987) to Chapter 6, of the San Francisco Administrative Code, (Section 6.55) to authorize the HRC to review all contracts prior to award, after he learned that it had not been consulted by the then Chief Administrative Officer Roger Boas' office in the awarding of a contract to an Oakland scavenger company.

The legislation as passed mandates the HRC to review contracts prior to award for compliance with nondiscrimination provisions of Chapter 12B of the Administrative Code, that is, attempt to resolve noncompliance instances through conciliation, and, failing that, to issue a written Finding of Noncompliance, with the right of appeal for the contractor. It states also that the HRC Director may waive the review of any contract subject to the amendment, with the HRC having the right to disapprove the Director's waiver, within 30 days of receipt of the Director's notice of same.

With some minor changes recommended by Commissioner Morrissey it was then

M/s/c that the HRC adopt the document as the HRC Rules of Procedure for Enforcement of Section 6.55 of Chapter 6 of the San Francisco Administrative Code.

The vote was unanimous.

A full copy of the Rules of Procedure for Enforcement is attached to these Minutes.

- Review of Opinion No. 87-18, Applicability of Administrative Code Chapters 12B and 12C to Agreement for the Use of Candlestick Park for Papal Mass.

On August 26, at a regular HRC meeting of on the initiative of Commissioners Soler and Lyon, the matter of the applicability of Chapter 12B and 12C for the signed agreement obtained by the Archdiocese of San Francisco through the Recreation and Park Commission for use of Candlestick Park for the Papal Mass to be celebrated during the visit of Pope John Paul II to the Bay Area was brought up and Deputy City Attorney Mara E. Rosales was asked by the HRC to provide a formal Opinion on the matter. Completion of her work on the Opinion was delayed (as reported to the HRC September 10) because of prior work on a lawsuit filed by the Council on Religion and the Homosexual on a tangential subject.

Opinion No. 87-18, dated October 19, 1987, covers two questions:

" 1. Does Administrative Code Chapter 12B apply to a permit issued by a City department to an organization allowing the use of City property for the exercise of First Amendment protected rights? and

2. Is a 36-hour agreement among (sic) the Recreation and Park Commission the San Francisco Giants and the San Francisco Archdiocese for the use of Candlestick Park for a Papal Mass subject to the provisions of San Francisco Administrative Code Chapters 12B and 12C relating to nondiscrimination by City contractors?

The Conclusions to both questions were No.

Acting Chairperson Suncin commented that the Opinion, which was provided in a full copy to all members of the HRC, was for information only, and there was no further discussion on it and no action.

LESBIAN/GAY ADVISORY COMMITTEE

Sal Rosselli, Co-Chairperson

- 1. Requested Approval of Letter to Governor Deukmejian Regarding Explicit AIDS Material for Educational Purposes.-Jackie Winnow.

Ms. Winnow had provided Commissioners with copies of a draft of the letter, of a public statment/press release by Dr. Timothy R. Wolfred, Executive Director of the San Francisco AIDS Foundation, and a copy of a San Francisco Examiner article printed September 28, 1987. The letter reported in its lead paragraph, 'ANAHEIM--Angry conservatives wrested control of the state Republican convention to demand that Gov. Deukmejian 'prosecute' two San Francisco organizations for distributing obscene and pornographic AIDS-education material '."The story continues to say that among the resolutions passed was one attacking AIDS-education programs and materials distributed by the San Francisco AIDS Foundation and the Harvey Milk Gay and Lesbian Democratic Club.

Ms. Winnow, noting that the rate of AIDS virus infection in the Gay male community has dropped from 20% (of that community) in 1981 to less than 1% today, said that it is widely believed that the drop is a result of widespread distribution of educational materials about AIDS. She said that the San Francisco community example of educational materials is copied throughout the nation.

In ensuing discussion by Commissioners, with questions directed to Ms. Winnow, she pointed out that all educational materials distributed by the AIDS Foundation are reviewed and approved by the San Francisco Department of Public Health. She stressed that there are concerns that matters such as health and educational aspects of AIDS should properly be considered by health professinals and not political organizations

Ms. Winnow reported that there had been pressure exerted to have educational materials use only technical, medical terms, rather than to be worded in "street language.

Commissioner Morrissey asked that there be a clarification in the text of the letter draft to attribute information or statistical data as coming from the Department of Public Health.

Commissioner Chung commented that perhaps other Standing Committees of the HRC, in addition to the Lesbian/Gay Advisory Committee, should be concerned with studying and recommending positions on AIDS education.

Ms. Winnow assured him that the Lesbian/Gay Committee is working with all ethnic minority communities, not just exclusively the Gay or Lesbian communities. SHe noted that the HRC's AIDS Representative has been working on planning an AIDS and Minorities Legal Forum, to be held Saturday November 14, 1987, from 9 AM to 5 PM, at the Bar Association of San Francisco 685 Market Street. The event is free and open to the public. The HRC is co-sponsoring this forum with the San Francisco Bar Association the National Lawyers Guild, the Bayview-Hunter's Point Foundation, the Bay Area Lawyers for Individual Rights, and others. Information is available by calling Norman Nickens, the HRC's AIDS Representative (558-4901), and Janet Seldon, 764-1600.

She also stated that extended educational efforts will concentrate on materials written in several languages, and that the ultimate goal of these efforts is to impress on the public that AIDS is not exclusively a Gay disease, but can strike all people.

It was then

m/s/c tha the HRC approve the sending of the letter as drafted (with the alteration suggested by Commissioner Morrissey) to Governor Deukmejian protesting the California Republican Party's state convention resolution calling for prosecuting the San Francisco AIDS Foundation and the Harvey Milk Gay and Lesbian Democratic Club, for a state audit of all organizations contracted to produce AIDS-education materials, and a ban on brochures or films deemed "obscene". The vote was unanimous. A full copy of this letter is attached to these Minutes.

EMPLOYMENT

Larry Martin/David K. Yamakawa Jr., Co-Chairpersons

1. Proposed Resolution Commending the San Francisco Chamber of Commerce for Its AIDS in the Workplace Guidelines.

Commissioner Yamakawa noted the absence of his Co-Chairperson Martin, who was hospitalized, of Kevin Wadsworth, an Employment Committee member scheduled to be at the HRC for this presentation, and of Mary Gin Starkweather, HRC staff to the Committee, who was ill.

The draft of the proposed Resolution, which commends the San Francisco Chamber of Commerce for issuing a document entitled," Suggested Guidelines for the Business Community," as part of its AIDS in the Workplace activity was provided each Commissioner in the meeting packet. The Committee had voted to recommend adoption November 5 at its regular meeting.

Commissioner Yamakawa said it was the intent of the Committee to stress that commendation should be make publically to those employer institutions which are acting in a positive and contributory way in the community action regarding AIDS. He said he hopes that the San Francisco Chamber's leadership role in this instance will be followed by other chambers.

It was then

****m/s/c that the proposed Resolution of Commendation to the San Francisco Chamber of Commerce for its AIDS in the Workplace Suggested Guidelines for the Business Community be adopted in principle, with the direction that missing lines in the final paragraph be added.

NEW MATTERS

- Board of Supervisors Action Adding Article 33B to the San Francisco Municipal Code prohibiting discrimination by clubs or organizations not distinctly private, and prohibiting expenditure of City funds on or participation by City employees in activities related to City business at discriminatory establishment-Director Mickins.

This action, taken by the full Board at its regular meeting November 9, 1987 came as a result of a series of highly-publicized challenges to discriminatory membership policies (namely, prohibiting active memebership by women) of a number of San Francisco-based private clubs, including one which leases City-owned land for part of its golf course.

Mr. Mickins said this was a ..."comprehensive and historic document." He said the ordinance (Article 33B) does not directly place the burden of enforcement on the HRC It does provide injunctive relief, but he said, in his estimation, in studying Sec. 3300B.5 ENFORCEMENT AND PENALTIES. C. NON-EXCLUSIVE REMEDIES AND PENALTIES, which reads, "Nothing in this Article shall preclude any person from seeking any other remedies , penalties or procedures provided by law," it is implied that a person may still come to the HRC and file a complaint of discrimination. Mr. Mickins said he originally had expressed concern during the drafting of the legislation to Deputy Mayor James Lazarus and had been assured that the HRC is not named specifically for enforcement.

****The Director was requested by Commissioner Morrissey for copies of Article 33B-Prohibition Discrimination by Clubs or Organizations Which Are Not Distinctly Private- to be sent out to members of the HRC.

- Commendations to Commissioners Lyon, Rosselli, and Soler.

***Staff was directed to draft formal commendation and thank-you letters to these Commissioners on behalf of the HRC.

Commissioner Revelo suggested that the HRC write its concerns about the failure of the Mayor to reappoint former Chairperson Soler to another HRC term. After discussion noted below, and on the recommendation by Director Mickins that since the position of Commissioner Soler on sending a letter is not known, any such letter would be inappropriate, Commissioner Revelo later retracted her suggestion.

During the discussion, Commissioner Hardeman said that he would not be willing to have his name attached to any letter as suggested by Commissioner Revelo.

Director Mickins noted that the present City Administration is now coming to an end of nearly ten years' service, and he noted that any incoming Mayor would be sensitive to the organizational status of the HRC. He suggested that this change in the governmental process be allowed to take its course, and that the Commission not exacerbate this rather delicate matter at this time. He re-reaffirmed the feelings of personal admiration the members of the HRC had felt for their fellow Commissioners Lyon, Soler, and Rosselli. Thereafter, Commissioner Revelo stated she was retracting her earlier motion.

- Traditional New Year Luncheon by Commissioner Jung.

Commissioner Jung extended his annual and traditional invitation to luncheon for the members of the HRC and its staff at his restaurant at the first meeting of the New Year, January 14, 1988.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, December 10, 1987, at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center. Thanksgiving Day, a legal holiday, falls on the fourth Thursday of November and the regular HRC meeting which falls on that day is cancelled. December 10 is last regularly-scheduled HRC meeting in 1988. The fourth Thursday of December falls on Christmas Day, also a legal holiday.

STANDING COMMITEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Wednesday, December 2, 1987 5:00-6:30 PM Room 509 HRC Offices, 1095 Market Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, November 17, 1987 5:30-7:30 PM Room 1200, State Building, 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, November 19, 1987 3:30 PM Main Library, Commission Room, Civic Center
SOCIAL ISSUES AND POLICE LIAISON (Ad Hoc Committee on Study of the Status of Immigrants & Refugees	To be announced
YOUTH AND EDUCATION	Thursday, November 19, 1987 3:30 PM Room 1200, State Building, 350 McAllister

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attachment #1

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
OFFICE OF MINORITY/WOMEN BUSINESS ENTERPR
OFFICE OF CONTRACT COMPLIANCE
OFFICE OF DISPUTE RESOLUTION

HRC RULES OF PROCEDURE FOR ENFORCEMENT OF SECTION 6.55 of CHAPTER 6 OF THE SAN FRANCISCO ADMINISTRATIVE CODE

Pursuant to Sec. .55 of Chapter 6 of the San Francisco Administrative Code, the Human Rights Commission shall review all contracts prior to award for compliance with Chapter 12B of the San Francisco Administrative Code. According to Sec. 6.55 (c), "the Director of the Commission may waive the review of any contract subject to this Chapter."

The Commission adopts the standard that the HRC reviews all contracts prior to award where the cost of the contract is $ 10,000 or more unless this review is waived in writing by the HRC.

Contract-awarding officials seeking to obtain a waiver of Sec. 6.55 (a) must submit a request in writing to the Director of the Commission prior to award of the contract. That request must contain the following information: awarding department and contact person; name, address, phone number, and ethnicity of prospective contractor or subcontractor; dollar amount, term and nature of contract, the date of contract award; and the reason for the waiver request. To qualify for a waiver, the prospective contractors or subcontractors cannot be currently disqualified from doing business with the City and County or from doing business with any governmental agency based on a failure to comply with affirmative action or contract compliance requirements.

Regardless of the dollar amount of the contract the Commission may accept a complaint that a proposed contractor or subcontractor does not comply with any requirement of Chapter 12B. The following have the right to file a complaint with the Human Rights Commission:

(1) Any person claiming to be aggrieved by an unlawful discriminatory practice or noncompliance with an affirmative action program,

(2) Agencies, boards and commissions of the City and County of San Francisco;

(3) The Commission or a member of its staff; and

(4) Any contractor whose subcontractor(s) obstructs or prevents cooperation or compliance with provision of Chapter 12B of the Administrative Code of the City and County of San Francisco.

The Commission shall attempt to resolve noncompliance through conciliation. Pending investigation of a complaint or appeal of a Finding of Noncompliance, the Commission, by written notice to the contract awarding officer, may stay the award of any contract.

* * *

Adopted by the HRC 11/12/87

Director Mickins noted that the present City Administration is now coming to an end of nearly ten years' service, and he noted that any incoming Mayor would be sensitive to the organizational status of the HRC. He suggested that this change in the governmental process be allowed to take its course, and that the Commission not exacerbate this rather delicate matter at this time. He rereaffirmed the feelings of personal admiration the members of the HRC had felt for their fellow Commissioners Lyon, Soler, and Rosselli. Thereafter, Commissioner

24. 1987 has been cancelled.

Attachment #3

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
OFFICE OF MINOTIRY/WOMEN BUSINESS ENTERP
OFFICE OF CONTRACT COMPLIANCE
OFFICE OF DISPUTE RESOLUTION

RESOLUTION OF COMMENDATION TO THE SAN FRANCISCO CHAMBER OF COMMERCE FOR DISTRIBUTING "AIDS IN THE WORKPLACE: SUGGESTED GUIDELINES FOR THE BUSINESS COMMUNITY."

WHEREAS, AIDS in the workplace has become an issue of significance to the American workforce and business community, and

WHEREAS, persons with AIDS and AIDS/ARC symptoms are most often capable and anxious to maintain their jobs and livelihoods, and

WHEREAS, the economic consequence of AIDS and its related conditions can be deleterious to the individual and employer should plans and policies be not formulated, and

WHEREAS, the San Francisco Chamber of Commerce has recognized the individual and business need for dealing humanely and realistically with AIDS in the workplace, and

WHEREAS, the San Francisco Chamber of Commerce has issued "AIDS IN THE WORKPLACE: SUGGESTED GUIDELINES FOR THE BUSINESS COMMUNITY,' which are logical, fair to the individual and business, and reflective of the San Francisco's business community's recognition of the value to the well-being of the business community,

NOW, THEREFORE BE IT RESOLVED, that the San Francisco Human Rights Commission publically recognize and thank the San Francisco Chamber of Commerce for its efforts in developing and distributing "AIDS IN THE WORKPLACE: SUGGESTED GUIDELINES FOR THE BUSINESS COMMUNITY: which, if followed, will result in compassion for the individual, support by co-workers in the workplace, and positive corporate culture within the business community.

################################

Resolution 5-87

Adopted by the HRC 11/12/87

Attachment: Copy of the San Francisco Chamber of Commerce: "AIDS IN THE WORKPLACE SUGGESTED GUIDELINES IN THE BUSINESS COMMUNITY".

P.S. The Attachment #2 will precede and be mailed with the next meeting of the Minutes

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, December 10, 1987
Room 1200 9 AM
State Building, Civic Center

DOCUMENTS DEPT.
JAN 1 1 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

NOTE: The regular meeting of Thursday, December 24, 1987 has been cancelled.

NEXT MEETING

DATE: Thursday, January 14, 198~~7~~8
TIME: 9 AM to Noon
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

Roll Call

Commissioners

Present: George Suncin (presiding), Rosemarie Fernandez, Michael Hardeman, Joe Jung, John Morrissey, Nicertia Revelo, Joan San Jule.

Excused: Allen Bennett, Samuel Chung, Corrine Lee, Larry Martin, Brenda Wade, David Yamakawa

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Eileen Gillis, Don Hesse, Clemente Newball-Obregón, Veronica Ng, Richard Norton, Mary Gin Starkweather, Jackie Winnow, Gary Wong, Vicky Zimpel.

Ralph Hurtado, Liaison from the Mayor's Office.

Norman P. Ishimoto, providing public relations assistance to the HRC for MBE/WBE/LBE outreach.

Patricia Chytrowski, San Francisco State University journalism student observer.

Mary Baker, observer from the League of Women Voters

No Pledge of Allegiance as no Flag is provided in the meeting room.

Minutes of the meeting of November 12, 1987 approved, with the deletion on Page 8, in the eighth paragraph, of the last sentence, "A full copy of this letter is attached to these Minutes.' The letter referred to was unable to be completed because of statistics only available from the Department of Public Health. When staff has received those statistics, the letter will be written and sent, to Governor Deukmejian, protesting the California Republican Party's state convention resolution calling for prosecuting the San Francisco AIDS Foundation and the Harvey Milk Gay and Lesbian Democratic Club.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a Memorandum to All Department Heads relative to overtime usage by employees, directing them to request that employees use compensatory time rather than overtime, to personally approve of all overtime, and to utilize other control actions.

- From Nettie Sabelhaus, Senate Fellow Coordinator, and Professor John Syer, Center for California Studies, California State University, a form letter enclosing applications for the 1988-89 California State Senate Fellowship Program, by which twelve college graduates become Senate staff members for one year beginning in Autumn, 1988.

- From Frank S. Fung, Chair, Steering Committee, Council of Asian American Business Associations, asking that HRC Director Grant S. Mickins give serious consideration to promoting Asians and increasing the numbers of Asians in staff entry levels.

- From William H. Rentschler, Editor & Publisher, the San Francisco Progress Newspaper, enclosing a program from the State of the Neighborhoods Conference it sponsored October 15, 1987 at the Presidio of San Francisco.

- From Lester Olmstead-Rose (for the members of the HRC's Lesbian/Gay Advisory Committee), a letter to Mayor Feinstein, with copies to a number of newspapers in the City, expressing disappointment that former Chairperson Esta Sôler was not reappointed to her seat on the HRC (her term expired September 2, 1987), supporting the resignation of Commissioner Lyon (11/12/87), and asking that both be reappointed.

- From Jane Morrison, (who retired from KNBR radio station in November) thanking the HRC for its commentatory Resolution. Ms. Morrison is the President of the Friends of the Human Rights Commission.

- From Mayor Feinstein, identical letters of reappointment for Commissioners Michael E. Hardeman, Corrine Lee, and Brenda K. Wade for full four-year terms ending September 2, 1991.

- From Supervisor Jim Gonzalez, thanking Director Mickins for his letter of support regarding the so-called Private Clubs ordinance adopted by the Board of Supervisors November 9, 1987. This legislation, Article 33B of the San Francisco Municipal (Police) Code, makes it illegal for large private clubs to exclude anyone because of race, sex, or sexual preference. It governs clubs of more than 400 members that regularly serve meals and receive payments from nonmembers who dine or rent rooms at the club. Some use or lease public facilities. Supervisor Gonzalez informed that he had voted in favor of this legislation.

- From Thomas W. Gwyn, Assistant Chancellor, Office of Public Service Programs, University of California San Francisco, inviting Director Mickins to an information and discussion luncheon December 2 regarding community controversy over university outreach activities at the 3333 California Street, Laurel Heights location.

- From Joan-Marie Shelley, President, San Francisco Federation of Teachers AFT: Local 61, a copy of a letter to Ramon Cortines, Superintendent of Schools and members of the Board of Education, San Francisco Unified School District. Copies of the letter went also to many individuals, labor and community organizations, ethnic advocacy organizations, the Mayor, and officials in national and state government. The letter addresses the concerns of the Federation on the subject of paraprofessional layoffs by the District.

- From Jerry G. Tabaracci, California State Director, Bureau of Apprenticeship and Training, U.S.D. Department of Labor, thanking Kevin Williams for his participation in the First Annual Apprenticeship Trades Workshop on October 21, 1987. HRC staff members Linda Chin and Bayard Fong also participated in this workshop.

- From Mayor-elect Art Agnos, to Donald F. Hesse et al. of the HRC staff, responding to their concerns over a campaign booklet reference to establishment of a separate office of contract compliance and enforcement. Mr. Agnos said he recognizes the HRC's wide range of responsibilities, and that his intent (in the booklet) was to "...adjust the focus of the contract compliance effort so that it represents a higher priority than it has in the past..."

- From Claire N. Isaacs, Director, San Francisco Arts Commission, Dean L. Macris, Director, Department of City Planning, and Sheriff Michael Hennessey, Chair, Governmental Relations Committee, State-Local Advisory Task Force, seeking cooperation in developing a comprehensive Arts Policy Plan for San Francisco to "...help to clarify the City's commitment and continued support of local arts activities and communities." Some forty other City department heads were sent the same letter. A Masters candidate in Public Administration specializing in arts program will contact the heads for responses to agency policies, programs, and recommendations for the arts.

- From Larry Brinkin, Member, Lesbian/Gay Advisory Committee, to Vice-Chairperson George Suncin, expressing "...disappointment concerning the Commission's lack of active support at its November 12, 1987 meeting for Chairperson Soler''s reappointment and Commissioner Lyon's reinstatement." See letter above to Mayor Feinstein on this subject.

- From City Attorney Louise H. Renne, and members of her staff, a Memorandum to all Department Heads and members of board and commissions, relative to free tickets to charitable or political fundraisers. The Memorandum summarizes duties under the Political Reform Act, part of the Government Code. Copies of this Memorandum were sent to all members of the HRC by the Director.

VICE-CHAIRPERSON"S COMMENTS

Vice-Chairperson Suncin, presiding, asked for Commissioners' comments on the reports that Mayor-elect Art Agnos will be asking for resignations by all membersof City commissions as he takes office January 8, 1988.

Commissioner Fernandez was given, at her request, a resume of how the late Mayor George Moscone proceeded when he took office in 1976, at which time he sent formal letters asking for resignations, some of which he accepted, making new appointments and retaining some incumbents.

After further informal commentary from Director Mickins, and Commissioners Morrissey, Hardeman, and San Jule, the discussion ended.

DIRECTOR'S REPORT

- Request for HRC Approval of Issuance of Subpoenas ad Testificandum and Duces Tecum in Complaint Case filed by Huel Washington v. Duty Free Shoppers, Ltd.

Mr. Mickins amplified his formal Memorandum to all HRC Commissioners of December 4, 1987, in which he outlined three specific requests he was making in connection with this, as it put it, "highly-publicized, highly-sensitive" race discrimination case, that has included an investigation by KRON-TV, public picketing by the National Association for the Advancement of Colored People, and discrimination charges brought at the State level against Duty Free Shoppers, Ltd., which holds a lease for San Francisco International Airport space from the Airports Commission.

Mr. Mickins also had sent Commissioners a Memorandum of December 9, 1987 on the subject of his request for issuance of subpoenas, and attached copies of the HRC's Rules and Regulations pertinent to the HRC powers in conducting an investigation (Rules 14---REPORTS AND PUBLIC STATEMENTS AND 15---INVESTIGATIONS) plus Rule 16 MEDIATION.

Because of the "community-wide problem resulting in intergroup tensions" authority of the HRC, he said he was asking for these three actions, and noted that representatives of the Black community had been picketing the 30 Geary Street (downtown San Francisco) store of Duty Free Shoppers, Ltd., having made allegations that the store management denied public access, specifically to Black people, to its retail outlets, clearly justifying this issue as a "community-wide problem".

Mr. Mickins said he has been assured by the attorney for the respondent (Duty Free Shoppers,Ltd.) that any of his clients will be voluntarily made available as witnesses, but that the subpoenas are necessary in the event any "...necessary witness fails or refuses to come forth voluntarily..." and in order not to impede a prompt investigation.

The three actions the Director asked of the HRC were:

1. That it approve the issuance of Subpoenas ad Testificandum and Duces Tecum pursuant to Chapter 12A.5 of the City Administrative Code, to an attached list of witnesses in the race discrimination complaint case brought by Huel Washington v. Duty Free Shoppers, Ltd., alleging denial of public access to 30 Geary Street premises and other locations owned and operated by Duty Free Shoppers, Ltd.

2. That the Chairperson of the HRC exercise the authority granted under 12A.5 of the City Administrative Code and Rule 15 (a) of the HRC's Rules and Regulations, as amended, assigning not less than three (3) HRC Commissioners to assist HRC staff in making a full and prompt investigation in the race discrimination complaint case brought by Huel Washington v. Duty Free Shoppers, Ltd.

3. That the HRC authorize the assigned Commissioners (if subsequent facts warrant) to invoke the provisions of Rule 16 (2), which pertains to Mediation.

Mr. Mickins said that there had been a great deal of community tension demonstrated in that time. He said that the first HRC staff member to deal with the complaint was Mary Gin Starkweather, but that he then assigned it to his immediate assistant, Frank Anderson, with whom he is working personally. He stressed that the HRC is working specifically on the issues of race discrimination and denial of public access.

Mr. Mickins reported that Duty Free Shoppers, Ltd., currently has pending before the Board of Supervisors a lease contract application of major proportions for a concession at Boarding Area E at San Francisco International Airport. This would be a long-range concession contract which had been previously certified by the HRC before the Airports Commission. To date, Mr. Mickins reported, the Government Operations Committee of the Board of Supervisors has refused to recommend the new concession request, in consideration of the present controversy.

The Director said that many people in City government, from the Mayor on down, are looking to the HRC to exercise its authority to find a resolution to the issue, to prevent it from escalating, and to ameliorate the situation. Unsubstantiated charges and allegations of "bad faith" he said underline the need for prompt action.

He reminded that if the race discrimination and denial of public access charges are substantiated by the HRC, it is its duty and its obligation to seek to get the respondent (Duty Free Shoppers, Ltd.) to change its policies.

Director Mickins explained to Commissioner Morrissey, at his request, why there needed to be an assignment of not less than three Commissioners in addition to HRC staff involvement in the case.

It was then

****m/s/c that the HRC grant the three requests of Director Mickins in approving issuance of subpoenas, requesting that the Chairperson appoint three Commissioners to assist in the investigation, and authorizing use of Rule 16 (2) (Mediation) if the facts warrant. The vote was unanimous.

* Vice-Chairperson Suncin announced that he wished to confer with the Director before he made the appointment of the three Commissioners as voted.

STANDING COMMITTEES

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioners George Suncin/Rosemarie Fernandez
Co-Chairpersons

- Minority and Women-Owned Business Participation Report, Department of Public Works---Construction Contracts Awarded from July, 1985 to June, 1986-Veronica Ng, HRC Contract Compliance Representative

Vice-Chairperson Suncin commented that the Employment Committee, which earlier heard this report, was very pleased with its thoroughness.

Ms. Ng then presented her report, repeating highlights from the written section of six pages, which is supplemented by four tables of statistical figures, plus a seven-page chart listing the contractors by name, ethnic identity, name of project worked on and its location, the total dollar amount of the contract, and the percentage of the total contract that represented.

Frank Anderson, staff to the MBE/WBE/LBE Community Advisory Committee, prefaced Ms. Ng's report by stating that the Department of Public Works is one of the largest contract-awarding of all City Departments, and that HRC staff energies are heavily concentrated in this area. He noted that the late Stanley Lim, the veteran HRC staff Coordinator who died suddenly in 1985, had done all of the originating work in this monitoring area for the HRC. He confirmed that Ms. Ng's report had been warmly received at the Committee level earlier.

Ms. Ng's highlights:

1. A total of $19,096,776 in contracts (of more than $250,000 each) was covered in 23 contracts let by the Department of Public Works from July, 1985 to June, 1986. Forty-one percent, or $7,737,889 went to MBEs (Minority Business Enterprises) and 4% or $828,729 to WBEs (Women Business Enterprises).

2. Hispanic contractors received 59% of the MBE amount; Asians 21%; Black contractors 20%; American Indians less than 1% and Filipino contractors none.

3. Women contractors made a substantial gain from 1983-84 to 1985 (because of Mr. Lim's death and the resultant interruption in the continuity of record-keeping, the figures for 1984-85 could not be included, Ms. Ng said) from less than 1% of the total contract amount to 4%.

4. Of the 47 Women Business Enterprises (WBEs) listed in the HRC's MBE/WBE Directory, (published and kept up-to-date by the HRC as part of its implementation of the MBE/WBE/LBE ordinance, Chapter 12D of the City Administrative Code), 40 are owned by White females, four by Black females, and two by Hispanic females. Thus, 92% of the WBE contract amount was awarded in the report period to firms owned by White females. Ms. Ng said the HRC will continue to do outreach work in the WBE field, particularly for minority-owned WBEs.

5. Of the 23 contracts of more than $250,000 awarded in the report period, ten went to MBE prime contractors, for a total of $6,967,797, or 36%. Asian contractors topped the MBE participation at 19% of that total, and Hispanic participated at 17% of the total. There were no Black, Filipino, American Indian or WBE prime contractors. Asked to explain this by Commissioner San Jule, Ms. Ng reported that most minority-owned prime contractors are very small firms, sometimes only one-person operations, and that they have a hard time getting bonding, and in handling contracts of more than $250,000.

6. Joint ventures between majority and MBE contractors garnered a total of $10,215,037 of the contracts (54%) in the reporting period. There were no joint ventures of a majority with a WBE. White/Black joint ventures totaled 36% ($6,869,551), and White-Hispanic Joint Ventures 14% ($2,618,321).

7. Comparisons between the 1983-84 and 1985-86 years were as follows:

	1983-84		1985-86	
# of Contracts warded	13		23	
Total Contract mount	$ 5,087,216		$ 19,096,776	
Total MBE Amour	$ 1,213,195	(24%)	$ 7,737,889	(41%)
Black Participa ion	$ 253,839	(5%)	$ 1,566,117	(8%)
Hispanic Partic pation	$ 576,000	(11%)	$ 4,519,144	(24%)
Asian Participa ion	$ 313,432	(6%)	$ 1,649,688	(9%)
Filipino Partic pation	$ 65,656	(1%)	$ -0-	
American Ind. I rticipation	$ -0-		$ 2,940.000	(N/S)
WBE Participati n	$ 3,419	(N/S)	$ 828,729	(4%)

8. The princip e area of concern, Ms. Ng reported, is the need to increase ME /WBE awards to Minority prime contractors. In addition, American In ian and Filipino contractors so far have shared very minimally i contracts. Further, minority-owned WBE participation is very low at only 5% of the total WBEs listed.

To meet th e and other problems, she recommended:

1. Outreach ir affected neighborhoods, trade associations, and community c ganizations.
2. Educational seminars regarding procedures and requirements for bidding City contracts for minority and women contractors who might n t be familiar with the bidding process.
3. In order to increase the participation of small HRC-certified MBE/WBE con ractors on Federal Aid Urban (FAU) projects, the HRC should ubmit a proposal to CALTRANS to take over the certification resp nsibility for San Francisco FAU contracts.

Ms. Ng reported that the total contracting amount budgeted by the Department of Public orks in 1985-86 was approximately $ 31,000,000.00.

Commissioner Sa Jule was informed that the contract experience for architectural and e gineering contracts for minority and women-owned firms will be made at a s bsequent HRC meeting. The Chair warmly complimented Ms. Ng on the quali y of her report.

It was then

****m/s/c that the RC accept the Minority and Women-Owned Business Participation Report, De artment of Public Works, Construction Contracts Awarded from July 1985, to une, 1986.

YOUTH AND EDUCATION

Commi sioners Larry Martin/John C. Morrissey
Co-Chairpersons

- Recommended Res lution Supporting Restoration of Funding of the Mayor's In-School Youth Pro ram for FY 87-88-Jeff Mori, Executive Director, Japanese Community Youth Cou cil

Mr. Mori, intro uced by Commissioner Morrissey, gave a brief history and description of this program, which has been recommended for a budget cutoff by Mayor Feinstein.

San Francisco school youths (mostly minorities) between 14 and 18 years of age, for about a decade have been participating in an in-school work experience program.

Mr. Mori said that from 425 to 600 youths annually have taken advantage of this 10-hour-a-week work-experience project, in which they were encouraged to continue their studies, and were given counseling (career-planning, tutoring, workshops, etc.) and other support. Placements of the youths were with City departments, childcare centers, neighborhood organizations, and the like. The Japanese Community Youth Council was the monitoring agency for the program, which started in 1982.

Mr. Mori stated that the HRC's support for restoration of City funding for this exemplary program would greatly help obtain a reveral of the budget cutoff.

It was then

****m/s/c that the HRC adopt the Resolution Supporting Restoration of Funding of the Mayor's In-School Youth Program for FY 87-88. That Resolution is attached to these Minutes.

NEW MATTERS

- Commissioner Revelo, with Commissioners Hardeman and Yamakawa a member of the Nominating Committee, asked that Commissioners expedite submitting their recommendation so it may report is final nominations at the first meeting of the HRC on January 14, 1988.

REMARKS FROM THE AUDIENCE

- Ms. Tania Carlton had requested in advance to speak to the HRC. She said she was the victim of harassment, and that many sources, including the FBI, the San Francisco Chronicle, and others were ignoring her problems. She said she has been unable to worship in her synagogue, complete her studies as an English major at San Francisco State University, get service from the Municipal Railway, etc. She was asked to file her complaint at the office with HRC staff, and she did so following this meeting.

CALENDAR MATTERS

The HRC regular meeting for December 24, 1987 has been cancelled.

The next regular meeting of the HRC will be Thursday, January 14, 1988 at 9 AM in Room 1200 of the State Building in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Meeting for Wednesday, December 2, CANCELLED

EMPLOYMENT	Meeting for Thursday, December 4 was CANCELLED
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, December 17, 1987 3:30 PM Main Library, Commission Room Civic Center
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, December 17, 1987 3:30 PM Room 1200, State Building Civic Center

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION SUPPORTING RESTORATION OF FUNDING OF THE MAYOR'S IN-SCHOOL YOUTH PROGRAM FOR FISCAL YEAR 1987-88

WHEREAS, the Mayor's In-School Youth Program (MISYP) the first of its kind in the nation , was initiated by Mayor Dianne Feinstein in 1983; and

WHEREAS, the Human Rights Commission's Youth and Education Committee supports programs which benefit minority youth and has been actively seeking means to reduce the high school drop-out rate, reported by the San Francisco Unified School District as 57% for Blacks and 49% for Hispanics; and

WHEREAS, MISYP provided subsidized employment and training during the FY 86-87 school year for 570 low-income, at-risk students; and

WHEREAS, the elimination of MISYP puts many of the youth it serves at risk of dropping out of school; and

WHEREAS, MISYP's entire $850,000 FY 87-88 budget was withheld in September of 1987; and

WHEREAS, the Board of Supervisors, by Resolution No. 947-87, urged her Honor, the Mayor, to restore funding to the Mayor's In-School Youth Program for Fiscal Year 1987-88,

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission support the Board of Supervisors' Resolution No. 947-87 urging restoration of funding for the Mayor's In-School Youth Program for Fiscal Year 1987-88.

######################

Resolution 6-87
Adopted by the HRC 12/10/87

415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

EMPLOYMENT

PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 14, 1988
Joe Jung's Restaurant
1098 Sutter Street
10:00 AM

DOCUMENTS DEPT.
FEB 17 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

Date: Thursday, January 28, 1988
Time: 9 AM to Noon
Place: Room 1157, State Building
350 McAllister Street, Civic Center

1. Roll Call

Commissioners

Present: George Suncin (presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Corrine Lee, Larry Martin, John Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa Jr.

Excused: Brenda Wade

Staff:

Present: Grant Mickins, Richard Norton, Bernedette Patrocinio, Gail Roberts, Mary Gin Starkweather

Mikal Williams, HRC Intern from Dennison University

2. Pledge of Allegiance was recited

3. Minutes - The Minutes of the meeting of December 10, 1987 were amended to read as follows:

   1. On page 3 under Director's Report the first paragraph should read: (changes are underlined)

      Mr. Mickins amplified his formal Memorandum to all HRC Commissioners of December 4, 1987, in which he outlined three specific requests he was making in connection with this, as it put it, "highly-publicized, highly-sensitive" race discrimination case, that has included an investigation by KRON-TV, public picketing by the Ad Hoc Committee to Defend Civil Rights and discrimination charges brought by the National Association for the Advancement of Colored People at the State level against Duty Free Shoppers Ltd., which holds a lease for San Francisco International Airport space from the Airports Commission.

   2. On page 4 under MBE/WBE/LBE Community Advisory Committee the first sentence should read: (changes are underlined)

      Vice-Chairperson Suncin commented that the MBE/WBE/LBE Committee which earlier heard this report, was very pleased with its thoroughness.

   3. On page 6 under Youth and Education Commissioner Larry Martin's name should be replaced with Allen Bennett.

It was ****m/s/c that the minutes be adopted with the above amendments.

4. Communications

- From Mayor Dianne Feinstein, a letter to Commissioner Louise Ogden and members of the Commission on the Status of Women, congratulating the Commission on exceeding its MBO Performance Targets for the Fiscal Year 1986-1987.

- From Paul D. Hardeman, a letter to the War Memorial Commission requesting an explanation regarding "failure (of the War Memorial) to provide Alexander Hamilton Post 448 with access to its regular meeting room."

- From John L. Taylor, Clerk of the Board of Supervisors, a memorandum to all Department Heads transmitting proposed legislation "Reserving $26,631,595 for various Departments, for Fiscal Year 1987-88."

- From Richard S. Hirschhaut and Amy L. Scholenblum of the Anti-Defamation League of B'Nai B'Rith, a memorandum announcing upcoming broadcasting of "A World of Difference."

- From Assemblyman Thomas H. Bates, a letter requesting support for AB 133 which requires that paroled prisoners have received "basic training in the skills necessary for successful reintegration into society."

- From Nancy Walker, President of the Board of Supervisors to John Molinari, Chair of the Finance Committee, a memorandum transmitting draft problem/policy statements to be included in the Finance Committees' January budget review and a request to all department heads for input and suggestions for ways to improve City services and save money.

- From Grant S. Mickins, to Mayor Feinstein, regarding the Mayor's HRC MBO Performance Annual Review Letter.

- From John L. Taylor, Clerk of the Board, a memorandum to all Department Heads inquiring about individual departments policies regarding smoking on the job.

- From John L. Taylor, Clerk of the Board, a memorandum to all Department Heads listing the schedules for each department's Finance Committee hearing.

- From Louise Renne, City Attorney a memorandum to all Department Heads and Members of Boards and Commissions requesting the filing of Economic Interest Statements.

- From Andrew M. Colvin, Chairman, and Rita R. Semel, Executive Director, a letter to Inspectors Walter Batiste and David Sun of the San Francisco Fire Department expressing concern over the recent swastika incident in the Fire Department.

5. Chairperson's Report

Commissioner Suncin stated that he had no official report but wished to make the following comments:

1. He hoped everyone had a nice Holiday season.

2. He stated that he had spoken with Deputy Mayor Hadley Roff regarding Commissioner's status. He said that no formal letters requesting Commissioners resignations would be sent. However, Commissioners were urged to write a letter offering voluntary resignation with the following qualifications:

a). a statement indicating their willingness to remain serving on the Commission until such time as Mayor Agnos appoints a replacement and

b). if a Commissioner desires to remain in his/her position to indicate that desire in the letter for Mayor Agnos' consideration.

3. He wished to thank Commissioner Jung on behalf of the Commission and staff for his hospitality and delicious New Year's Luncheon.

6. Director's Report

Director Mickins reported on the following:

1. As related in the Communications, all Commissioners must submit their Statement of Economic Interest by April 30, 1988. Jack Casford will send the forms to each Commissioner .

Several Commissioners expressed concern over filing the complicated forms if they may be replaced anyway. It is hoped that Commissioners will be clearer on their status before the April 30th deadline. Commissioners' must also file a simplified statement upon leaving the Commission.

2. The City is currently facing a $ 77 million deficit. Accordingly, all departments are being cut back and, as a rule no new positions are being approved by the Finance Committee.

However, the HRC has received approval for two (2) positions in the 1987-88 Budget.

a). Program Director for MBE/WBE/LBE Program Management and

b). Program Assistant to aid in certification and outreach.

Commissioner Hardeman stated that he had been present at the Budget Hearing's and felt that the HRC's chance for approval of the positions was slim.

However, Director Mickins expressed his optimism regarding the approval because the Budget Analyst had recommended approval in his report to the Finance Committee.

The HRC is scheduled for hearing January 14, 1988 between 7:00-9:00 PM.

3. The fee schedule for billing various construction contractors for HRC's services was calendared before the Finance Committee of Board of Supervisors. However the Associated General Contractors requested that the item be postponed until differences could be worked out between them and the HRC. It is tentatively scheduled to be heard Wednesday, January 20, 1988.

The schedule is planned to be in effect for the FY 88-89 Budget.

4. The City Attorney Office has requested that the U.S. 9th Circuit Court of Appeals reconsider its decision regarding the Associated General Contractors challenge to Chapter 12D. To date, the HRC has heard nothing, however, Director Mickins anticipates a decision soon because it has been nearly a year since the request was made.

Both AGC and the HRC will probably appeal the decision if it is unfavorable to either of them.

Special Order

- Report of the Nominations Committee

Commissioners Nicerita Revelo, Michael Hardeman, and David Yamakawa

Commissioner Revelo announced the nominations of Commissioner George Suncin as Chair and Commissioner Larry Martin as Vice-Chair.

There were no alternate nominations from the floor.

It was unanimously ***m/s/c that the Committees recommendations be adopted.

***Congratulations were extended to Commissioners Suncin and Martin.

7. Standing Committees

Employment Committee

Commissioners Larry Martin and David Yamakawa, Co-Chairpersons

1. Committee Report

Commissioner Martin introduced Mary Gin Starkweather, HRC staff to the Employment Committee who gave the following report:

At its regular meeting of January 7, 1988, the Employment Committee heard presentations by representative s of the San Francisco Fire and Police Departments.

First, Ms. Barbara Phillips, Court-appointed monitor and Chief Oliver Storti of the Fire Department detailed the history and implementation of the current Court Order under which the Fire Department has hired 48 firefighters. The racial and sexual breakdown is as follows: 11 White males, 11 Black males, 7 Hispanic males, 4 Aisan males, 3 Filipino males, 1 Native American male. Nine women were hired, 7 White and two Black.

The Fire Department presentation did not address the Consent Decree which is still in dispute.

Ms. Kathleen Hurley, Consent Decree Coordinator for the San Francisco Police Department detailed the history, implementation and results of the 1979 Consent Decree signed by the Police Department. Significant increases in minorities and women were realized between 1979 and 1987. Briefly, the increases in the composition of the sworn personnel are: Blacks, 51.4%; Hispanics, 152.1%; Asians, 264.6% and women of all races, 185.1%.

The Presentations were for informational purposes only.and no action was taken by the Committee.

More detailed information regarding the presentaions will be available in the upcoming Employment Committee Minutes.

It was ***m/s/c that the Employment Committee report be adopted.

8. New Matters

Commissioner Morrissey stated that he had noticed in the newspaper that recent events in the Fire Department didn't involve only discrimination, but harrassment. He wished to know if the HRC had any role to play in the resolution of the problems.

Director Mickins explained the HRC's role in providing technical assistance to the departments and cited our role under 12A in relieving intergroup tensions. However, he also detailed the responsibilities of the Civil Service Commisions EEO Unit which was formed by Charter amendment. Frank Anderson, HRC Coordinator sits on a Civil Service Commission Hearing Panel which hears cases involving discrimination in the City employment.

Director Mickins also spoke about the Racial Slurs policy of the City and County which the HRC was instrumental in getting adopted.

After extended discussion it was ***m/s/c that 2 letters be written from the Commission:

1). To the Fire Department expressing concern over recent discriminatory events and

2). To Mayor Agnos congratulating him on his election and informing him of the existence of Racial Slurs Policy and disseminate the policy to all departments by way of that letter.

9. Calendar Matters

The next regular meeting of the HRC will be Thursday, January 28, 1988 at 9 AM in Room 1157 of the State Building in the Civic Center.

10. Remarks from the Audience

Director Mickins introduced Mikal Williams, Intern from Dennison University who is working at the HRC full time for the month of January.

Standing Committees

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	To be announced
EMPLOYMENT	Thursday, February 4, 1988 1850 Mission Street San Francisco, CA. 94110
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, January 21, 1988 3:30 PM 350 McAllister Street, # 1159

Adjournment

Respectfully submitted,

Grant S. Mickins
via Mary Gin Starkweather

GSM:MGS:bclp

DOCUMENTS DEPT.
FEB 25 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, February 11, 1988
Room 200, State Building
9 AM 350 McAllister Street
(The meeting of January 28, 1988 was cancelled)

NEXT MEETING

DATE: Thursday, February 25, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Corrine Lee, John C. Morrissey, Joan San Jule, David Yamakawa Jr.

Excused: Larry Martin, Nicerita Revelo, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Eileen Gillis, Don Hesse, Norm Nickens, Richard Norton, Mary Gin Starkweather, Jackie Winnow.

Melissa Chaitin, a third-year student at Hastings Law School, was introduced. She is working as an intern with the Lesbian/Gay Liaison staff.

Mary Baker, observer from the League of Women Voters.

Harriet M.K. Ishimoto, Partner in Kiyomura-Ishimoto Associates, the public relations firms under contract to the HRC to conduct outreach activities in connection with implementation of Chapter 12D, the Minority/Women/Local Business Enterprise Ordinance.

There was no Pledge of Allegiance as a Flag is not provided in the meeting room.

The meeting of January 28 1988 was cancelled.

The Minutes of the meeting of January 14, 1988 were approved, with the following corrections and additions:

- On Page two, the first line, the correct spelling of Paul D. Hardman's name is without an "e" (Hardeman) as was shown.

- On Page five, in the fourth paragraph, 2). Commissioner Morrissey asked it be clarified to read:

"To Mayor Agnos congratulating him on his election and informing him of the existence of the Racial Slurs Policy. The HRC disseminated the Policy to all departments by way of a copy of the letter to the Mayor.

The underlined portions above are Commissioner Morrissey's suggestions.

It was then m/s/c that the Minutes be approved as corrected and reworded.

COMMUNICATIONS

- From Rudolf Nothenberg, Chief Administrative Officer, regarding a proposed Ordinance amending Chapter 12A of the San Francisco Administrative Code to impose monitoring fees on prime contractors. Mr. Nothenberg wrote that there are concerns with the Ordinance as written and he asked that certain amendments be considered by the HRC, namely that "any fees imposed should be considered part of the project costs and imposed on the departments handling the project funds." See comment under Old Matters at end of the meeting on this issue and this letter by Commissioner Morrrissey and Director Mickins.

- From City Attorney Louise H. Renne via Aleeta M. Van Runkle, Deputy City Attorney, a copy of the amicus brief filed in the case of Chadbourne v. Ratheon. This is an AIDS-related discrimination case, wherein the Raytheon Company, "...sought to exlcude a male employee from employment because he had AIDS..." on the basis that "...he posed a danger of harm to his coworkers."

  The HRC's Lesbian/Gay advisory staff had researched this case, and formally requested, at the HRC's reulgar meeting of September 25, 1986, that it ask the City Attorney's Office to file an amicus brief, first to the State Fair Employment and Housing Commission, and subsequently to the Superior Court.

- Notice of a Community Forum on Domestic Violence sponsored by the Commission on the Status of Women which was held January 21, 1988 at the San Francisco Community College District Administration Building.

- From Michael T. Farrell, Acting Chief of Department, San Francisco Fire Department, responding to Chairperson Suncin's January 12, 1988 letter on behalf of the HRC expressing concern about the discovery of a swastika at Station 13 of the Department (an incident which received substantial media coverage). Acting Chief Farrell expressed the Department's sense of deep regret at this discovery, and informed that it is conducting a comprehensive investigation into the incident, as well as cooperating with the Federal Bureau of Investigation. He informed that the City's Racial Slurs Policy prohibition was disseminated through the Fire Department by General Order September 16, 1980. He stated further that on April 23, 1980, the Department disseminated General Order 80A-48, which prohibited any material or verbal communications that are or may be interpreted to be racial, anti-religious, or anti-semitic from any Department installation or activities. He said that the latest EEO policy, General Order 87A-105, which states Department policy regarding discrimination, sexual harrassment, and slurs, was developed in cooperation with the Civil Service Equal Employment Opportunity Unit. He detailed other actions taken internally on these issues-and said that one action is the appointment of a Human Relations Director and development of training programs. He included copies of the General Orders cited.

- From John F. Conrad, Director Property & Finance, Port of San Francisco, regarding the HRC's request for an increase for Port Commission funding for HRC monitoring and implementation work at the Port for Fiscal Year 1988-89.

- Commissioner San Jule requested that she be provided copies of especially significant correspondence by mail before the regular meetings of the HRC.

NO CHAIRPERSON's REPORT

DIRECTOR'S REPORT

- Draft Management Audit of the City's Compliance with Ordinance No. 139-84, Minority, Women, Local Business Enterprises (MBE/WBE/LBE ORDINANCE) by the office of the Budget Analyst for the San Francisco Board of Supervisors.

Director Mickins said he had spent a great deal of his time in the past week developing responses to this document, which has been the subject as well of considerable work by the Administrative Committee. See below.

- HRC Budget for Fiscal 1988-89. The Director has met twice with Claude Everhart, Executive Deputy Mayor regarding the staffing of the HRC and other issues currently before the Commission.

All City departments submitted maintenance budgets pursuant to the Mayor's request instead of three-stage incremental budgets (equal to fiscal 1987-88 ; 90% of 1987-88; 80% of 1987-88).

- Liaison from the Mayor's Office to the HRC

Ms. Sharon Johnson, Assistant to the Mayor, has been named to this position, succeeding Ralph Hurtado. She has begun attending meetings of HRC committees.

STANDING COMMITTEES

ADMINISTRATIVE
Lawrence Martin, Chairperson

- Review of the Draft Management Audit of the City's Compliance with Ordinance No. 139-84, prepared by the Budget Analyst.

On February 11, 1987, the Clerk of the Board of Supervisors wrote jointly to Harvey Rose, Budget Analyst, and Director Grant Mickins informing that at the initiative of Supervisors Willie B. Kennedy, Doris M. Ward, and Harry G. Britt the Board requested an audit of "all City Departments' records and data relative to their attempts to comply with the MBE/WBE ordinance for the 1985-86 fiscal year." The Clerk wrote also that Supervisors were disturbed to find "...that some City departments have not submitted their plans to comply and others have submitted inaccurate or incomplete information regarding progress in compliance with the ordinance." The letter attached further information regarding the specifics the Supervisors wished included in the audit, wherein mention was made (from the Minutes of the Board of Supervisors' meeting where this request was made and passed) of "..the accuracy of the data submitted by departments to the HRC." and "...an analysis as to the level of 'good faith effort' being expended by each and every reporting department relative to compliance."

Accordingly, Mr. Rose's office assigned Stanton Jones, an analyst of his staff, who proceeded to conduct the audit, largely through extensive in-depth interviews with members of the HRC staff, whose cooperative efforts under the Director were on-going during the approximately one year the audit took, until the production of a DRAFT Management Audit report dated January, 1988.

Commissioners were supplied with copies of the February 11, 1987 letter of the Clerk of the Board, with attachments, and, in addition, copies of a Memorandum from the Administrative Committee dated February 10, 1988, reading as follows:

The Administrative Committee, at its special meeting of February 9, 1988, recommended that the Human Rights Commission immediately implement two actions in regard to the Management Audit:

1. That HRC staff prepare a detailed written response to be attached to the Management Audit. The Director is to request a postponement of the February 16, 1988 due date for submittal of a written response to the Budget Analyst. If the delay is not granted, that refusal is to be so noted; however, a response is then to be submitted by February 16, 1988.

2. That the Human Rights Commission request of the President of the Board of Supervisors that the Board instruct the Budget Analyst not to file its Management Audit of the City's Compliance with Ordinance No. 139-84 until that Audit is responsive to the February 11, 1987 request of the Board for an audit of all City department's records and data relative to their attempts to comply with the MBE/WBE Ordinance.

The Director then introduced the discussion of this issue. He announced that he had provided Commissioners of the Administrative Committee with copies of the Draft Management Audit in order that they might act on his recommendations on a response to what he called "very gross and misleading errors, both procedurally and substantively." The Committee then, on February 9, 1988, adopted the above recommendations.

It was noted, he said, that the mandate of 1987 from the Board was that both the Budget Analyst and the HRC itself conduct a review of City departments' records and data and compliance. This turned, he said, into the so-called "Management audit of the HRC " without primarily addressing the formal request of the Board specifically citing City departments, as stated. As a result, he said, the Draft Audit appeared with the afore-cited errors.

Mr. Mickins said many of the errors and mis-statements and much of the confusion that appeared in the Draft Audit stemmed from the mis-direction that took place.

Mr. Mickins then called attention to copies of a proposed draft letter to Supervisor Nancy Walker, President of the Board of Supervisors, asking that the Board instruct the Budget Analyst not to file its proposed Management Audit until the audit addressed the mandate as expressed in the Board's original February 11, 1987 mandate, i.e., that the audit study the record of City departments.

Chairperson Suncin noted also that the draft letter to the Supervisor to the Board President included the Committee's concerns about inaccuracies in the Draft Audit.

At this point, Commissioner Morrissey made two suggestions for wording at the conclusion of the letter in question, including a statement to the effect that the Draft Audit should be withheld until the HRC concerns have been addressed.

Then Chairperson Suncin and Commissioner Morrissey both stated that the HRC would ask that the Audit report be withheld until the HRC response is included.

Director Mickins emphasized that what is sought is that the Budget Analyst's Office should conduct an audit that truly shows the records of the City's departments as far as compliance and reporting under the MBE/WBE/LBE program.

Commissioner San Jule made suggestions for stronger language in the letter about the errorsand premature release of copies of the Draft Audit.

Commissioner Fernandez expressed at some length her personal shock and outrage not only that the HRC itself had been "indicted", but that the staff had been "accused" of filing improper or misleading reports. She said that the letter to the Board President should express the HRC members' outrage that the Draft Audit had been disseminated to important people at City Hall "indicting" the HRC and staff.

"I have never heard before, " she said, " of a management audit report being disseminated before an exit interview," and she termed it " a gross procedural error."

Commissioner Morrissey then commented that he was not sure in his own mind that the Draft Audit had indeed been publicized, (whose title page had the word "Confidential" handwritten across the top, and a printed "NOTICE- This document is a draft report and is subject to revision. It has been made available solely to those persons having responsibilities concerning the subjects discussed herein. Question and comments should be addressed to the Budget Analyst's Office. We request that this draft report be treated on a confidential basis until the report is released by the Board of Supervisors.")

Commissioner Morrissey said that the Budget Analyst could say that he had given copies to certain persons for their reactions and comments, and that it had not been released to the members of the Board of Supervisors.

Director Mickins responded by saying that at least three persons in City Hall who would normally not be factors in such a report or audit had let him know they had been provided copies. He said that the small paragraph on the cover page quoted above was the only warning to a potential reader that it was confidential, rather than each page being clearly labeled as such.

Commissioner Fernandez then suggested that the HRC write formally also to the Budget Analyst expressing its "outrage and concern that this draft confidential report has been disseminated" and that at some point the HRC would like to talk with him about how such an "outrageous incident" occurred. The Commissioner also said that in her opinion, after a year's work with the cooperation of the HRC staff, the office of the Budget Analyst has "... breached the confidence and so-called trust that was developed with the staff...in action highly unprofessional..."

She said also that the HRC should go directly to the Board of Supervisors with the above position.

Commissioner San Jule commented that the HRC should inquire, in writing, directly to Mr. Rose, how this audit work has been mis-managed, in an unprofessional manner, with "unfair treatment" of the HRC.

It was then

*****m/s/c that the HRC communicate its feelings as outlined by Commissioners Fernandez and San Jule, to Budget Analyst Harvey Rose.

It was also

*****m/s/c that the HRC approve the sending of a letter of concern, with a request that withholding of the Management Audit be requested of the Budget Analyst, to Board of Supervisors President Nancy Walker, with the changes and/or additions suggested in the discussion.

The votes above were unanimous.

It was also

*****m/s/c that the HRC accept the two recommendations of the Administrative Committee in its February 10, 1988 Memorandum, i.e., that HRC staff prepare a detailed written response to the Draft Management Audit, and that the formal request to Board President Walker (as specified in the above motion) be authorized. The vote was unanimous.

Commissioner Morrissey then suggested that the HRC formally refer the issue of the Draft Audit and the HRC's position on it to the MBE/WBE/LBE Community Advisory Committee.

- The Chairperson asked that the record show that by the time these actions were taken, Commissioners Bennett, Chung, and Jung, who arrived after the Roll Call, were present for the votes.

- Commissioner Morrissey then suggested that the HRC formally refer the issue of the Draft Audit and the HRC's position on it to the MBE/WBE/LBE Community Advisory Committee for its advice.

Director Mickins stated that he would prefer that the matter remain an operational one of internal function of the HRC and the Administrative Committee.

Commissioner Fernandez stated that she saw the Advisory Committee as distinct in role from a Standing Committee, charged with a specific function, not a part of the management /administration of the HRC. She concurred with the Director.

Commissioner Yamakawa noted that he saw the risk in the long run, with the possibility of public hearings, whether conducted by the HRC or the Board of Supervisors, where there would be involvement of the Advisory Committee, with some disagreement on some of these issues.

Commissioner Fernandez emphasized that this was not the time-- before the staff written response is completed and studied ----to make the referral as Commissioner Morrissey suggested.

Director Mickins said he strongly objected to disseminating the Draft Audit any further before the gross errors and misleading statements are corrected.

Commissioner San Jule joined in these expressed objections to the referral suggestion, and Commissioner Morrissey then withdrew his suggestion.

Director Mickins said that he hoped to have the written staff response by February 18/19.

*****The Administrative Committee then set Friday, February 19, at 4 PM in Room 509 for its next regular meeting to review the proposed response.

- Chairperson Suncin excused himself from the meeting at 9:55 AM.

- 2. Proposal by the Director in Response to the Management Audit.

This document from the Director was not acted on at this meeting.

- 3. Proposed Charter Amendment to Establish an Office of Contract and Public Policy Compliance under the Mayor's Office.

This proposed legislation has been withdrawn from the Board of Supervisors by its author, Supervisor Willie B. Kennedy.

LESBIAN/GAY ADVISORY

- Report on Sexual Orientation and AIDS Discrimination for Fiscal Year 1986-87. - Prepared by Eileen Gillis, Lesbian/Gay Community Representative, and Norman Nickens, AIDS Discrimination Representative.

This document, which has been produced for several years by the Lesbian/Gay Advisory unit, is a six-page narrative, with two pages of statistical tables and a two-page Appendix giving a Definition of Terms used in the report.

The report summarizes the Unit's complaints and investigations for the reporting period in terms of discrimination on the basis of sexual orientation and on AIDS-related discrimination.

Ms. Gillis gave a brief introductory summary of the highlights of the report, which had been distributed to all Commissioners in advance of this meeting, and which was the subject of a newspaper article in the San Francisco Chronicle. Mr. Nickens then joined with her later in responding to Commissioner comments and questions.

Ms. Gillis reported that in the reporting year the HRC investigated a total of 146 complaints of discrimination on the basis of sexual orientation or AIDS. They breaks down as: 88 sexual orientation complaints; 58 AIDS-related discrimination complaints. The total dollar amount of damages gained for complainants in the reporting year was $33,045. She pointed out that the number of investigated complaints does not reflect the total number of complaints received, or of requests for information and for assistance/referral. Many complaints were outside the HRC's jurisdiction (public and private sector in the City and County of San Francisco only). The report states that the actual number of reported instances of discrimination is approximately three to four times the number of investigated complaints.

For the first time since the HRC first began recording AIDS-related discrimination complaints (in 1982), there was a deadline in the annual total, from 65 in Fiscal 1985-1986, to 58. The average number of days to investigate all discrimination complaint cases declined also, to 21 days.

The report narrative section also contains case histories to show the development of investigations and the types of cases handled.

The report does state, however, "While the number of reported instances of AIDS-related discrimination has declined, discrimination against persons with AIDS remains a significant problem in San Francisco," and it cites housing resources for persons with AIDS and ARC (AIDS-Related Complex); lack of services for women, children, and family units; underdeveloped services for minorities and intravenous (I.V.) drug users; and the need for expanded anti-discrimination and confidentiality protections at the State level.

Mediation and settlement efforts by the AIDS staff during the reporting period resulted in a total of $17,645 awarded complainants, but the HRC was, the report says, often able to resolve AIDS-related employment disputes through the provision of education and technical assistance from employers.

The AIDS Representative's work also included participation in a number of AIDS-related issues---political and social. The report said it will continue to work to expand anit-discrimination protections at the State and federal levels.

Ms. Gillis concluded her presentation by announcing:

1. That Jackie Winnow has been promoted to the position of Coordinator of the Lesbian/Gay Advisory Unit, and that

2. She, Eileen Gillis who has been a Lesbian/Gay Advisory liaison worker at the HRC since March of 1981, will be leaving in a few months to enter a law school.

She and Mr. Nickens then responded to a number of Commissioner comments and questions.

She also introduced Melissa Chaitlin, a third-year Hastings Law School student who works as a volunteer with the unit 24 hours a week.

Mr. Nickens stated that the decline in reported AIDS-related discrimination investigations reflects the fact that the HRC has been able to create an environment in the workplaces of the City where people with AIDS are protected.

He said that, with New York, the HRC here has been singled out nationally for the excellence of its program.

He said that one area of concern is the attitude of some dentists, some of whom have been reported as refusing to treat persons with AIDS. He said that educational and technical assistance is being provided in this area. It has been determined, actually, that dentists are in far greater risk of infection from patients with hepatitis, and that there is nothing on record that a dentist has contracted AIDS from a patient.

To a question from Commissioner Morrissey about the accuracy of HIV testing, Mr. Nickens said that the testing accuracy is 99%, and said the operative rule is that surgeons would take all steps that would be taken in any case where infectious disease is a factor.

Commissioner Bennett stated that there is a national tragedy existing because of the failure of the federal government for eight years to respond adequately to the AIDS problem.

Commissioner San Jule said she saw medical treatment policies as an ethnical question for the practitioners.

There were references to upcoming legislation on the AIDS issue, such as AB 87 in California which would stregthen AIDS protections, and Proposition 69, the successor to 1986's Proposition 64 (which the HRC opposed). This is the re-appearance, through gathering of sufficient signatures on statewide petitions, of the La Rouche organization measure to make HIV testing mandatory.

Mr. Nickens was requested by Commissioner San Jule to send her information on these pieces of legislation. Ms. Gillis suggested this information should be distributed to all Commissioners.

Mr. Nickens gave some details of the work of the Mayor's Task Force on AIDS and the Homeless to Commissioner Chung about housing placement.

To Commissioner Yamakawa's questions about children with AIDS, Mr. Nickens said that of San Francisco's approximately 4,100 reported AIDS cases, 13 were pediatric. A tangential problem, however, has not had been the difficulty of finding daycare services for children whose Mothers have AIDS. However, a foster care program has produced more (at the moment) placement sources that can be filled.

It was then

*****m/s/c that the HRC endorse and adopt the Report on Sexual Orientation and AIDS Discrimination Fiscal Year 1986-1987.

OLD MATTERS

- Re: Chief Administrative Officer NOthenberg's letter (see Communications) regarding the method of collecting fees from contractors for HRC services, to Commissioner Morrissey's inquiry, Director Mickins reported that the HRC still is studying his concerns. He said that the Board of Supervisors had postponed discussion on the matter to its February 24 meeting, and that the HRC will meet with a representative of the Associated General Contractors on February 23 for an exchange of positions.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, February 25, 1988 at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Friday, February 19, 1988 4 PM Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, March 3, 1988 1850 Mission Street
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, February 18, 1988 3:30 P.M. 350 McAllister Street, Room 1200

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, February 25, 1988
Room 1200, State Building
9 AM 350 McAllister

DOCUMENTS DEPT.
MAR 11 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, March 10, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, John C. Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa.

Excused: Allen Bennett, Corrine Lee, Larry Martin, Brenda Wade.

Director Mickins announced that Commissioner Wade had notified him February 23, 1988 that she has submitted her resignation.

Staff:

Present: Grant Mickins, Frank Anderson, Jack Casford, Linda Chin, Veronica Ng, Richard Norton, Gail Roberts, Carmen Smith, Mary Gin Starkweather, Pansy Waller, Vicky Zimpel.

There was no Pledge of Allegiance as no Flag is provided in the meeting room.

The Minutes of the meeting of February 11, 1988 were approved.

COMMUNICATIONS

- From the Office of City Attorney, a copy of a Memorandum of January 11, 1988 from Andrew Fisher, Investigator, to Rose Miksovsky, Deputy City Attorney, regarding the investigation request of November 12, 1987 to locate, contact, and ascertain if a witness pertinent to the case of Human Rights Commission v. Malaco International would be available to testify. The investigator reported that the witness '...is unwilling to cooperate with the Human Rights Commission or the deputy city attorney in this matter at this time."

In March of 1987, an HRC Hearing Officer had recommended that the Director's October 6, 1986 Finding of Noncompliance against Malaco International, Inc. be reversed. In October of 1987, the HRC voted to remand the issue back to the Director, and the HRC sought to obtain a key witness for a new hearing.

- From Sidney M. Wolinksky, Project Director, Disability Rights Clinical Legal Education Program, regarding concerns over "...violations of legal and civil rights of disabled persons..." in San Francisco and northern California.

- From Mayor Art Agnos, and Rudy Nothenberg, Chief Administrative Officer, a copy of a February 9, 1988 Memorandum to All Department Heads, enclosing a draft version of a standard form to be used by City departments in assessing legislation introduced by members of the Board of Supervisors in advance of any committee hearing or subsequent Board action.

- From Jerry E. Berg, an attorney, a copy of his February 10, 1988 letter to Supervisor Nancy Walker, President, Board of Supervisors, requesting that Chapter 12D of the City Administrative Code be amended to expand the definition of "minority" to include Lesbians and Gay men.

- A copy of a mass mailing from the Leadership Conference on Civil Rights urging defeat of proposed abortion amendment amendments to the Civil Rights Restoration Act via S. 557. This material was forwarded by Joyce E. Tucker, President, International Association of Official Human Rights Agencies.

- From the Office of the City Attorney, a February 16, 1988 memorandum to All Boards and Commissions and All Department Heads, relative to solicitation or aceptance of campaign contributions by appointed board members. This is a four-page, single-spaced document, and attached is a copy of a Guide to Government Code Section84308 of the Political Reform Act of 1974 published by the California Fair Political Practices Commission.

- From Robin Wu, Chairperson Intergroup Clearinghouse, Inc., confirming discussions on the inclusion of the Clearinghouse in the HRC's current budgeting process.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Resignation of Commissioner Wade. Director Mickins said Commissioner Wade had informed him February 23, 1988 that she had submitted her resignation because of conflicting professional commitments.

- HRC Budget. More discussions on the HRC request for fiscal 1988-89 are to be scheduled. Already submitted is a "maintenance" budget, as requested by the Mayor's Office, based on the past fiscal year staffing and activities.

SPECIAL ORDER

- Huel Washington vs. Duty Free Shoppers, Ltd.

  Conciliation Report File Pursuant to the HRC's Rules 15 (a), 15 (c), (INVESTIGATIONS) and Rule 16 (MEDIATION) of the HRC Rules and Regulations.

Commissioners were provided copies in their packets of the outline of a Conciliation Agreement, including the Report and Finding of Mediation and Resolution of the HRC Mediation Team, consisting of Commissioners Fernandez, Hardeman, and San Jule, Director Mickins, and HRC Coordinator Frank Anderson.

The Agreement was dated February 23, 1988. Director Mickins urged that the HRC act at this meeting on the recommendations of the Mediation Team for resolution of this complaint (that Duty Free Shoppers, a contractor with the San Francisco Airports Commission, discriminated against Huel Washington as a customer/patron of its store at 30 Geary Boulevard in San Francisco because he is Black) by accepting the Conciliation Agreement. The Director said that the HRC had a commitment to expedite resolution of the complaint.

Commissioner Morrissey asked for specific details on what good-faith actions Duty Free Shoppers, Ltd, would be taking under those cited in the Agreement, namely: to take appropriate corrective action to rectify practices... arising from the complaint (the race discrimination charge); to implement good-faith efforts to develop and improve intergroup relations in San Francisco; to agree to participate in initiating or expanding employment/training, and minority/women business development and community relations; and to agree to HRC monitoring of these activities for an extended number of years.

Director Mickins reported that Duty Free will:

1. Develop a program at the San Francisco International Airport, (where it holds a long-term lease) to include minorities and women in the workforce of its concession there.
2. To contribute financially to a fund to implement an employment program to assist minority youth (summertime and out-of-school) in getting practical retail business training and exposure.

3. To submit to HRC jurisdiction in monitoring (for up to five years) Duty Free's compliance with the nondiscrimination requirements of contractors and lease-holders under which the original race discrimination complaint was brought to the HRC.

Commissioner San Jule commented that she felt that the conciliation meetings were fair, smooth, and conducted to the satisfaction of all parties.

It was then

*****m/s/c that the HRC accept the Conciliation Agreement contained in the Report and Finding of Mediation and Resolution; Mr. Huel Washington vs. Duty Free Shoppers, Ltd.

STANDING COMMITTEES

(The following report was moved up on the Agenda by agreement of the HRC members present).

EMPLOYMENT

David Yamakawa, Chairperson

- Proposed Revision of the HRC Affirmative Action Program (AAP) for Construction Contracts. - Vicky Zimpel, HRC Senior Contract Compliance Officer.

Following is verbatim from Ms. Zimpel's cover memorandum to all Commissioners with the advance mailing of the 52-page document;

> "There have been quite substantial changes as compared with the current AAP, which was adopted by the HRC in 1985. The changes were made mainly in relation to achieving comformity with the MBE/WBE Ordinance and its Rules and Regulations. HRC staff has already received comments and input on the proposed draft from the City Attorney's Office; the consultant to the Bay Area Certification Committee (the joint venture portion only); the United Asian Contractors Association; the current president of Women Construction Owners and Executives; individual Black and Hispanic contractors; and the Associated General Contractors.
>
> " HRC staff also worked extensively with Chinese for Affirmative Action; Mission Hiring Hall; Young Community Developers; Women in Apprenticeship Program, and representatives from women in the trades to completely revise the Employment section of the AAP.
>
> " The MBE/WBE Community Advisory Committee reviewed the MBE/WBE section of the AAP and the Employment Committee reviewed the Employment Section of the AAP. Both committees voted to refer the AAP to the HRC with a recommendation for adoption."

Before Ms. Zimpel made her presentation on the AAP, Chairperson Suncin announced that the Associated General Contractors of California, through its San Francisco District Manager, Thomas E. Thompson, who was present with John J. Casey, President, Casey & Company had formally requested a 30 day continuance of this action item.

Director Mickins noted that the HRC staff had been working on this extensive revision for nearly a year, and that he and Ms. Zimpel met most recently with the AGC on February 23 for four hours, reviewing many programs and their concerns over them. He said that the AGC had indicated at that time they had had "insufficient time" to review the revision, and wished to have its full Board of Directors consider it. The HRC also met with Mr. Thompson some six weeks earlier and Mr. Thompson had mailed the proposed revision of the AAP to his membership at that time. The Board of Directors reportedly meets once a month.

The Director said that he had no objection to granting the 30-day extension to the AGC, but he noted that representatives of a number of minority business and contracting associations had made special efforts to attend the meeting to express their positions on the proposed AAP, and that in deference to them, he hoped that the presentation could go ahead as scheduled on the HRC agenda.

It was then

*****m/s/c that the HRC hear the formal presentation on the Proposed Revision of the AAP, including statements from observers and the AGC, but that the HRC postpone to its March 24 regular meeting formal action on adoption. The vote was unanimous. (This motion and second opened the following discussion, after which the action was voted).

Mr. Thompson of the AGC spoke briefly. He said they appreciate the work the HRC staff has done in consolidating a number of documents into one, but said that the AGC, which he said does 70% of all public works construction in California were not asked for input until "very late", and were not able to meet with HRC staff until February 23, has "serious problems" with the AAP as proposed.

Though Mr. Thompson requested 60 days' continuance, saying the Board of Directors of the AGC meets March 10, the motion (as noted above) eventually granted 30 days, to the HRC meeting of March 24.

Vicky Zimpel then made the formal presentation, using the document (52 pages, 25 of them narrative, with attachments of HRC Forms 1 through 6, required of contract bidders) as her reference point. Part 1 of the narrative section covers General Conditions and Definitions, Responsibility of the contract-awarding authority, Procedure for Contract Award, Bid Preference applications, Review of Bids procedures and those for Negotiated Contracts; Part II covers Minority and Women-Owned Business Participation, including subsections on Project Participation Goals, Waivers or Modifications to the Goals, Calculation of Small Women and Minority Business Enterprise Goals, Joint Ventures (a great deal of detail about this subject), Noncompliance and Sanctions, Willful or Bad Faith Noncompliance, etc.

For Commissioner Morrissey, Ms. Zimpel gave a chronology of the timespread of activity leading up to the presentation of the AAP revision: (which she stressed, represents "substantive changes"): a draft version was completed in September of 1987, which then went to the Office of the City Attorney's for review and suggestions/comments. Input was then solicited from a number of community groups (see references in Ms. Zimpels's transmittals memorandum quoted at the beginning of this section), and a staff draft of the Proposed Revision of the AAP was prepared by Janaury of this year. Meetings were then held with the AGC for its input, they did mailings to their contractors, it went through the Employment and MBE/WBE Community Advisory Committees, and was scheduled for this February 25 HRC presentation and action.

She informed that the AGC had been provided the draft copy of the staff-recommended AAP six weeks in advance of this meeting. The AGC Board members were to have sent the HRC their written comments on it, but none has thus far been received, she said.

Commissioner Fernandez was told by Mr. Thompson that the AGC Board would prepare and submit written comments on the AAP document after its March 10 meeting.

Commissioner Fernandez also asked that Commissioner be provided with advance (before the HRC meeting of March 24) copies of these written comments.

Vivian Miller, an observer from the Bay Area Women Carpenters' Committee, stated that she felt the AGC had plenty of time to send its comments to the HRC, and questioned any need for further delay in HRC action on the AAP.

Eric Jue, of Chinese for Chinese for Affirmative Action, said that he hoped that the HRC would adopt the AAP as soon as possible, inasmuch as it would hasten the integration of the City's construction workforce, and would assist in the HRC certification process for minority and women-owned businesses.

- Commissioner San Jule asked that HRC staff prepare a brief comparative document showing how the AAP with revisions now up for adoption differs from the earlier one. Ms. Zimpel said that would be done.

Commissioner Fernandez requested that written comments from the AGC be provided for Commissioner study.

Commissioner Hardeman asked if the AAP document contains any reference to payment of current prevailing wages. Mr. Mickins said the HRC's nondiscrimination protections guarantee adherence to prevailing-wage protections. However, the City Attorney had earlier advised that the 12B prevailing wage provision related to nondiscrimination by contractors between Minorities, Women, and white workers.

- Ms. Zimpel then introduced:
  - Mr. Ralph Esquivel, Esquivel Grading and Paving
  - Mr. Jue
  - Ms. Miller
  - Messers. Thompson and Casey of the AGC
  - Mr. Steve Lee, Phoenix Simpton; a member of the MBE/WBE Community Advisory Committee; and a member of the United Asian Contractors Association.
  - Mr. Kent Lim, a private HUAC contractor; United Asian Contractors.

Ms. Zimpel said that the first HRC Affirmative Action Program was the creation approximately ten years ago, of Stanley Lim, the HRC's veteran Contract Compliance Coordinator, who died October 13, 1985. She said that the current revision was at the request of the Office of the City Attorney, who felt that there were large aspects of Chapter 12D (the Minority/Women/Local Business Enterprise Ordinance, part of the City Administrative Code) that needed incorporating into the AAP (Affirmative Action Program). There were also requests from minority and women employment groups for revision.

Four documents, she said, pertain to the AAP: Chapters 12B, 12D, the Rules and Regulations to 12D, and the AAP itself, and the HRC staff decided to incorporate all these required guidelines and requirements into one document.

The major changes (from the previous document) she said the present, revised AAP up for approval incorporates, are:

1. Taking the good-faith effort (required of contract-awarding agencies) sections from Chapter 12D and putting them in the AAP. These efforts include pre-bid meetings, advertisements, written notification to MBEs and WBEs, etc.

2. The WBE goal, originally set at 10%, which has proved extremely difficult to achieve, has been set at 2%. As to the MBE goal of 30%, the revised AAP now provides that when a contract goes out to bid, the awarding agency is required to make an estimate of what a reasonable goal is. If the agency believes the (30%) goal is not attainable, it may request a waiver or reduction in writing, for example, on the basis that "...sufficient small women or minority-owned businesses are unavailable in the market area of the project despite every feasible attempt..." to locate them. If accepted, a lower goal can be set, and, said Ms. Zimpel this has been working rather successfully.

3. Inclusion in the AAP of the sanctions for noncompliance that are in Chapters 12B and 12D.

4. Clarification and simplifications of goal-setting and contractor compliance steps.

5. The working out of a formula (reviewed in the formative period by many contractors and and contractors' groups)which enhances the Joint Venture processing and validating by the HRC requirements.

As far as employment, goals have been left unchanged, but an independent subcommittee is studying them. What is different is the way the HRC obtains the required information in order for the HRC to assess whether a given contractor can realistically meet the goals. There is on record, she said, an increased minority/women participation in the workforces of HRC-monitored job sites.

- Commissioner Yamakawa noted that the document included in the packets does not include reference to employment goals. Ms. Zimpel confirmed that by error, these references were somehow omitted in assembly of the material. Ms. Zimpel said the material would be included by March 24.

Ms. Zimpel's presentation was followed by statements from several observers.

Mr. Steve Lee, of the United Asian Contractors Association, said that his group strongly subscribes to the revised AAP, including the joint venture section, noting that the AAP of the HRC in the past has provided "real opportunity" for minority contractors to obtain business (managerial and employee) experience. He said it has translated into more efficient contract execution instilled a sense of pride, and enabled Asians "to move into the mainstream".

- Commissioner San Jule stated that she hoped to see and hear from representatives of the Black contracting/business community. Ms. Zimpel and Mr. Mickins gave her the names of several groups representative of Black participation. The Airport's Liaison to the HRC, Ms. Sandra Crumpler, urged that advance notice of these presentations be sent to all Black groups, and said she would make mention of Commissioner San Jule's concern at an upcoming meeting of the Black Economic Development Corporation.

Ms. Zimpel referred not only to Black representatives and organizations who had been a part of the HRC's work, but said that Hispanic groups also had been contacted, though neither Black nor Hispanic contractors had a comparable overall organization to the United Asian Contractors Association.

- Mr. Ralph Esquival, President of Esquival Grading and Paving, said he supported the AAP document as revised, and urged that the guidelines be in included as a protection to all parties. He said his company would not be in its work position now without operation of the program, or without the opportunity to work with majority firms in joint venture.

- Mr. Kent Lim, a mechanical contractor, said that the AAP had permitted him to have exposure he had never had before, especially through the Joint Venture program. He cited especially the experience in absorbing managerial fine points through these programs.

After further comments from Commissioners San Jule and Chung, the presentation was concluded.

ADMINISTRATIVE
Lawrence Martin, Chairperson

- Written Response of the Director, Human Rights Commission to the Management Audit of the City's Compliance with Ordinance No. 139-84, Minority, Women, Local Business Enterprise (MBE/WBE/LBE Ordinance.

Director Mickins asked that this item be deferred. He said he had been urged by Budget Analyst Harvey Rose (following Administrative Committee meeting February 25,) that the HRC not respond to the draft Management Audit (discussed at the HRC's February 11, 1988 meeting) until the Budget Analyst's office submits by February 26, the third draft by Wednesday, March 2.

- Commissioner San Jule said that in her opinion it was important that the HRC and the Board of Supervisors "defuse" the issue of the Management Audit. She suggested that Supervisor Kennedy (authority of the formal Board of Supervisors request in February, 1987 that the Budget Analyst study City departments' compliance with Chapter 12D, Ordinance 139-84), be asked to come to an HRC regular meeting to respond to Commissioner questions.

- She then moved that Supervisor Kennedy be invited to the HRC's next regular meeting to respond to questions she and other Commissioners have on the subject of the Management Audit in question. This motion was seconded by Commissioner Fernandez.

Chairperson Suncin then reported that Mr. Rose had telephoned him at his office, and "accused" the HRC staff of being the source of the "leak" of the draft Management Audit report. There was an impasse, as Chairperson Suncin recounted it, in the conversation (which he said involved "other people" on the same call line), as to which staff had "leaked" the Audit report. The Chairperson also said he told Mr. Rose that the HRC had been concerned it might see press coverage of the "leaked" Audit.

Commissioner San Jule reiterated her position of asking Supervisor Kennedy directly what the purpose was of the Audit and further information.

Commissioner Fernandez questioned the ability of the staff to prepare an adequate response by the arbitrary deadline of March 2 for its return to Mr. Rose of comment on his third draft of the Audit. She said she said had suggestions already as to tone and delivery of a draft written response in order to defuse the situation.

Director Mickins responded to the Commissioners' comments at this point by reminding that it was on the advice of the Minority/Women/Local Community Advisory Committee that the HRC formally requested the Board (through Supervisor Kennedy) to investigate compliance by City departments with Chapter 12D. There was a suspicion within the MBE/WBE Advisory Committee, he said, that many City departments were avoiding and circumventing the Chapter 12D requirements.

An independent audit first was suggested, but then, in talks with Supervisor Kennedy and her staff, it was agreed that Budget Analyst Harvey Rose was best qualified, especially because of his familiarity with City departmental procedure and personnel.

The Director said he and Frank Anderson of the HRC staff assisted the Supervisor in drafting much of the charge or mandate that was to be sought from the departments for this compliance performance audit.

- At this point, after Mr. Mickins' presentation, Commissioner San Jule commented that the situation had escalated to a near-confrontational one, and she argued that there might be some recommendations in the draft Audit that could be a help to the HRC. She reiterated her wish to discuss the matter with Supervisor Kennedy and possibly Supervisor Doris Ward.

Commissioners Chung and Fernandez then suggested that the questions about the disputed Audit be covered in informal meetings, not at a regular HRC meeting.

Director Mickins, echoed by Commissioners Hardeman and Morrissey, then stated that there is no "issue" between the HRC and the Board of Supervisors, and that the issue of the "leak" is closed.

"The issue is the manner in which the Budget Analyst has conducted this process, "he said," but there are things he (Rose) can do in future Audits that will avoid any neglience in the way that it was handled."

Commissioner Fernandez concurred with this position, i.e., that there is no "issue" between the Board of Supervisors and the HRC.

Commissioner Yamakawa agreed with these points, saying, in addition, that the HRC is on record already (via letters to Supervisor Walker, for example). He suggested that the HRC, rather than requesting personal appearances by Supervisors at a regular meeting, "touch bases" with them, in informal meetings, to make certain it has not offended them or that it become a matter of public record.

Commissioner Morrissey joined Commissioner Fernandez again in stating that the time deadline of March 2 set by Mr. Rose for a response to his February 26 third draft of the Audit was unrealistic.

*****At this point, Commissioner San Jule withdrew her motion that Supervisor Kennedy be requested to come to the HRC at this next meeting to discuss questions and concerns, and Commissioner Fernandez withdrew her second.

It was then

*****m/s/c that the HRC write Supervisor Kennedy requesting an informal meeting, at her pleasure, in her office, with a delegation of HRC members to discuss the Management Audit.

On a voice vote, the motion passed, Six Ayes, Three Noes.

Director Mickins commented that he concurred with the action to request an informal meeting with Supervisor Kennedy and HRC members in order that the issue be thoroughly understood.

Commissioner Fernandez then opened discussion as to what time is needed by HRC staff to prepare an adequate response to the third draft Audit Mr. Rose has said he is sending February 26.

Chairperson Suncin noted that Mr. Rose had told him that his office will acknowledge that the original (draft) Audit was a "sampling" audit with findings based on "samples". Aside from this, he said, the Analyst indicated he will not be changing the Audit very much.

Director Mickins was asked to contact Mr. Rose directly and request that he extend the March 2 deadline for submission of the HRC response to Friday, March 4.

It was then

*****m/s/c that the HRC ask the Director to request an extension of the response deadline from March 2 to March4.

- The Administrative Committee will meet Wednesday, March 2, at 4 PM to review the HRC staff response draft.

The Director said he was submitting his own outline of a Response to the draft Audit, and he had not had time to review one by Gail Roberts.

- Commissioner San Jule excused herself at 11:12 AM for a family emergency.

- Commissioners were also provided in their packets with copies of formal letters already sent to Supervisor Nancy Walker, President of the Board of Supervisors, and Harvey Rose, Budget Analyst, relative to the disputed Management Audit. The HRC authorized the sending of these letters over the signature of Chairperson Suncin at its regular meeting February 11, 1988.

YOUTH AND EDUCATION

Rabbi Allen Bennett, John C. Morrissey
Co-Chairpersons

- Requested Authorization to Send a Letter to the Mayor Supporting the Banning of the Sale of Replica or Facsimile Firearms, and Establishing as City Policy Education Regarding the Dangers of Replica or Facsimile Firearms.

The Committee had discussed two proposed Ordinances by Supervisor Wendy Nelder, introduced February 22, 1988 at the Board of Supervisors, that would, respectively:

1. Ban the sale (loan, furnish, display, market, promote) of any replica or facsimile firearm in the City; and

2. Establish a City policy to work with schools, residents, and businesses to educate residents of the City regarding the dangers associated with real and replica firearms.

There had been incidents of Police/citizen incidents involving display of plastic handguns and submachine guns which are identical in appearance to real weapons.

The Committee recommended that the HRC endorse "the concept" of banning the sale of authentic-looking toy guns, and the recommended language of the letter (a full copy is attached to these Minutes) also applauds the efforts to combat the problems of realistic-looking toy guns.

Commissioner Revelo asked if the HRC had any previous position about real handgun violence, and was informed that since 1969, the HRC has supported handgun control legislation on the State, federal, and local levels. In 1982 it endorsed the Mayor's Handgun Control Ordinance.

- It was suggested by Commissioner Revelo that a sentence be added to the letter as authorized citing the HRC's handgun control support in the past.

It was then

*****m/s/c that the HRC communicate to the Mayor its endorsement of the concept of banning the sale of replica authentic-looking toy guns, and calling for City policy to educate the public and children about the dangers of replica firearms. The vote was unanimous.

At Commissioner Yamakawa's suggestion, the HRC agreed that a sentence be added citing the HRC's handgun control support in the past.

NEW MATTER

- Letter of Commendation to Anthony M. Frank, Postmaster General-designate.

Mr. Frank's appointment by President Reagan was recently announced.

Mr. Frank, Chairman and Chief Executive Officer of 1st Nationwide Bank, has been a supporter of the Friends of the Human Rights Commission, according to John Scott, member of the HRC's Employment Committee, and at

Mr. Scott's suggestion, the HRC will write a letter of congratulations to Mr. Frank.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 10, 1988, at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced
ADMINISTRATIVE	Wednesday, March 2, 1988 4 PM Room 509, HRC Offices 1095 Market Street
EMPLOYMENT	Thursday, March 3, 1988 1850 Mission Street
MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE	Thursday, March 3, 1988 3:30 PM Room 712 1095 Market Street
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, March 17, 1988 3:30 PM 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
[Min.of Feb 25][CORR2]

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

MINUTES OF THE MEETING OF THURSDAY, MARCH 10, 1988
Room 1200, State Building
9 AM 350 McAllister

DOCUMENTS DEPT.
MAR 29 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, March 24, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: Lawrence Martin (presiding), Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, John Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa (who presided until Vice-Chairperson Lawrence Martin arrived).

Excused: Allen Bennett, Corrine Lee, George Suncin

There are three vacancies on the HRC, Commissioners Phyllis Lyon, Esta Soler, and Brenda Wade having previously resigned.

Staff

Present: Grant Mickins, Jack Casford, James Fields, Don Hesse, Dick Norton, Gail Roberts, Mary Starkweather, Vicky Zimpel

Mr. James Fields was introduced by Director Mickins as the new Contract Compliance Representative on the HRC staff.

- Mary Baker, observer from the League of Women Voters
- Richey Rice-Gore, observer from the HRC Employment Committee
- Ms. Ronit Milstein, of CommuiComp, a public relations firm subcontracting to the HRC in cooperation with Kiyomura-Ishimoto Associates to provide public relations materials and assistance as part of the outreach function of the implementation of the Minority/Women/Local Business Enterprise program.

There was no Pledge of Allegiance as no Flag is provided in the meeting room.

The Minutes of the meeting of February 25, 1988 were approved with the following change: At the request of Commissioner San Jule, on Page 6, in the sixth paragraph from the head of the page beginning, "Commissioner San Jule stated...", the sentence reading "Ms. Zimpel and Mr. Mickins gave her the names of several groups representative of Black participation." was deleted, and in its place the following sentence was inserted: "The Commissioner asked if the Black Chamber of Commerce had had been contacted." The paragraph then continues, "The Airport's Liaison to the HRC,..."

Acting Chairperson David Yamakawa announced that the deadline for submission of applications for commission appointments to the Mayor's Office has been extended to March 15.

From Joyce E. Tucker, President, International Association of Official Human Rights Agencies announcing that Cheryl Clarner has been hired as new Administrative Secretary at the office of the Executive Director, at 444 North Capitol, N.W., Suite 249, Washington, D.C. 20001. The Association, of which the HRC has long been a member, is still recruiting to fill the Executive Director position.

From James D. Jefferson, on behalf of the Coalition for Economic Equity (c/o Jeffer-on Associates, Inc.,) announcing to HRC staff member Frank Anderson a meeting for arch 9 at the offices of Eva Paterson at the San Francisco Lawyers' Committee for rban Affairs. Mr. Anderson is the HRC staff for the MBE/WBE/LBE Community Advisory ommittee, of which Mr. Jefferson is also a member. He asked that discussion include:

"1. The M/WBE Ordinance is in its final year and will have to be extended.
2. Needed changes to the M/WBE Ordinance.
3. Status of appeal of the Associated General Contractors' lawsuit." See under Director's Report below for a discussion by Mr. Mickins of this meeting.

- From William A. Witte, Deputy Mayor, Housing and Neighborhoods, Mayor's Office of Community Development, a Memorandum to all community development-funded agencies (of which the HRC is one) that Executive Director, Moira Shek So is resigning effective March 18, 1988, and that one of three senior program managers will be handling directorial responsibilities until a new appointment has been made.

- From Robin Wu, Chairperson, Intergroup Clearinghouse, Inc., requesting, on behalf of the Board of Directors, that the HRC make a $15,000 budget request. See Mr. Mickins discussion of the HRC budget under Director's Report below for reference to this subcontract.

- To Greg Hobson, Clerk, Governmental Operations Committee, Board of Supervisors, advising that the HRC has a completed its investigation in the Huel Washington vs. Duty Free Shoppers complaint case. The HRC formally accepted the conciliation agreement at its regular meeting of February 25, 1988. Mr. Mickins detailed a number of steps Duty Free Shoppers, which holds a long-term lease in Boarding Area "E" at San Francisco International Airport, has agreed to take, including development of intergroup relations, participation in employment/training, Minority/Women Business development and community relations, and being monitored for compliance in these activities by the HRC for five years.

- An excerpt from the March 2, 1988 "Fair Employment Report", a biweekly newsletter published in Washington, D.C., reporting that the U.S. Supreme Court has agreed to decide whether a city must admit that it had been guilty of bias in order to adopt a preference for minority-owned businesses in the awarding of public projects (Richmond (Virginia) v. J.A. Croson, Co., No. 87-998). See Director Mickins' comments on this case and its pertinency to the HRC below in Director's Report.

- From G.A. Saavedra, President, Saagan Moving & Storage Co., Inc., regarding concern about bidding competition for small and minority businesses in the City from nonprofit operations.

- To HRC Commissioners, a Memorandum for Director Mickins of March 4, 1988, informing that Supervisor Willie Kennedy's office has asked to defer the HRC's request for an informal meeting with her until after she has had an opportunity to read the Budget Analyst's officially-filed Management Audit of the City's Compliance with Ordinance 139-84 before discussing her reaction and views.

- From Isabel Huie, Chair of the Affirmative Action Review Committee of the San Francisco Unified School District, thanking Director Mickins for agreeing to discuss how minorities and women can participate in the awarding of contracts from the District at a meeting on March 10 at 4 PM.

- From John L. Taylor, Clerk of the Board, a copy of his March 8, 1988 letter to key City officials, including Mayor Art Agnos, the Controller, the City Attorney, the General Manager of the Civil Service Commission, and others, including all other Department heads, forwarding a proposed Charter amendment that would "...prohibit pay increases for all city employees and allow appointing officers to effect reduced work weeks for fiscal year 1988-89 and allowing Board of Supervisors to adopt ordinances providing for early retirement." The proposal is from Supervisor Nancy Walker.

- From John L. Taylor, Clerk of the Board, Notice of a Special Meeting of the Board of Supervisors, March 11, 1988 at 3:30 P.M. to consider the above-proposed Charter amendment and to take public testimony on it. This is a Public Hearing.

- From Bob Gamble, Office of the Mayor, a March 14, 1988 Memorandum to all Departments regarding budgeting for work orders.

NO CHAIRPERSON's REPORT

DIRECTOR'S REPORT

- City's Projected Budget Deficit, Fiscal 1988-89 impact on the HRC.

Mr. Mickins said that the Mayor had announced February 25 that the anticipated budget deficit of the City for the next fiscal year would be $172.4 million, or approximately 10% of the anticipated total City budget of $1.9 billion.

The HRC staff has been meeting with Sally Kipper, Budget Analyst, and Sharon Johnson, Assistant to the Mayor, the Mayor's Office Liaison to the HRC, to review the current HRC budget status. The HRC met March 9 with Bob Gamble, the Mayor's Budget Director. Mr. Gamble stated at this meeting that the Mayor's Office realizes that drastic cuts in budget will have a proportionately greater impact on very small departments, such as the Commission on the Status of Women, but that they feel that cuts should be applied equally to all medium or large-size departments.

The HRC has been asked to submit a revised 1988-89 budget request with a 20% cut using as base line the 1987-88 fiscal year budget. All of this, Mr. Mickins, is ..."...very drastic and depressing."

The HRC has been asked to show the impact of a 20% cut (the loss of $286,000); of a 15% cut (a loss of $159,000); and a 10% cut (a loss of some $123,000). Any of these cut levels, he said, would be very difficult to absorb.

There are suggestions that department staffs be put on four-day work-weeks, in order to minimize the possibility of actual job layoffs.

Commissioner San Jule asked what reduction in HRC staff was anticipated now, and was told by the Director that the minimum would be four staff and the maximum seven or eight staff.

Mr. Mickins said he hopes that the HRC would be allowed to freeze its two empty staff positions (not fill them for the present), rather than to delete them from its allowed staffing level, given that, once deleted, staff positions rarely are granted again.

To questions, Mr. Mickins said that the HRC currently has only two subcontracts:

1. The Intergroup Clearinghouse, Inc., for $15,000 annually.
2. The CommuniComp/ Kiyomura-Ishimoto Associates public relations/ outreach subcontract in the amount of $32,000.

These funds, he said, are encumbered, and there is no need to terminate them.

The discussion of the various layoff estimates for the various levels of budget cuts included the obervations that shortening the work-week could avoid having outright layoffs of staff.

Mr. Mickins noted that the Board of Supervisors is sponsoring a Public Hearing on Friday, March 11 (see Communications) at which the Charter amendment proposed by Supervisor Walker will be discussed. The amendment would update wage freezes, accelerated retirement of City employees, etc. There have been other suggestions for increasing City service fees.

The seniority rule application to job layoffs was brought up by Commissioner San Jule, and Mr. Mickins commented that it was "...one of the troubling things about this problem." He said that seniority strictly meant that those most recently hired would be the first to be laid off, but that at the HRC "...we've had good people come in the past two or three years."

Commissioner San Jule asked if there were any other areas, aside from the staff salaries and benefits, where the HRC could absorb cuts, and was told that other categories were fixed costs such as rent, telephone, and supplies. He noted that the City had cut 30% to 35% of these allotments. The HRC's office lease has just recently been re-negotiated for three years.

The Commission on the Status of Women has a separate budget from the HRC's Commissioner Revelo was informed.

Mr. Mickins said his three cut-levels of 10%, 15% and 20% are to be submitted to the Mayor's Office by March 15.

. The Director also stated that he would like to discuss the budget situation with the Administrative Committee.

Asked what staff input he had sought about willingness to accept four or four-and-a-half-day work weeks, Mr. Mickins said he has met with his senior staff, and that a General Staff meeting was held March 2. He said he had not yet taken a survey, but would want to before decisions were made, to see if there were some other less-harsh options.

Commissioner San Jule suggested that the Director explore these options, to see what impact on HRC production the four or four-and-a-half day work-weeks would have, and the Director responded by saying he intends to move in that direction.

Commissioner Hardeman reported that he had attended a recent meeting of CLOUT (Community and Labor Organizations United Together), composed of community organizations and labor, where, among other points as alternatives to wage freezes and layoffs, imposition of a seven- or seven-and-a-half hour work-day was discussed. He said that the general feeling at that meeting (March 9) was that there are a number of options and actions that can be taken in lieu of placing the entire burden on the City's workers, and he said a representative of the business community had told him that business does not want to see layoffs or freezes. Commissioner Hardeman noted that a $40-million lawsuit settlement against the City currently is being re-negotiated to be reduced, with a payment schedule over several years, and that another pay judgment (comparable worth) could be extended over several years, thereby erasing several millions from the reported current anticipated deficit figures.

Commissioner Martin noted that budget deficits have occurred in the past like this one, and that the "crisis" as presently claimed is being percipitously publicized before a thorough analysis of the financial situation has been done.

After some further discussion and commentary, it was (Comm. Morrissey) *****m/s/c that the Director of the HRC be instructed to get the views of the HRC staff on the alternatives that might affect them, as part of the input to the Mayor. The vote was unanimous.

Commissioner San Jule reiterated her position that the HRC's small staff would be disproportionately disaffected by having to absorb a 20% cut, and that the efficiency of the office would be greatly harmed.

- Associated General Contractors v. Human Rights Commission - HRC appeal before U.S. Supreme Court.

This challenge by the Associated General Contractors to the validity of Chapter 12D (the MBE/WBE/LBE ordinance and program) continues through an appeal of a March, 1987 decision of the U.S. Ninth Circuit Court of Appeals. Mr. Mickins pointed out that the Communications folders contained an excerpt from "Fair Employment Report" a Washington, D.C.-based newsletter, reporting that in a similar case (Richmond (Virginia) v. J.A. Croson, Co.), the Supreme Court will be making a decision and that it will impinge on the status of the HRC's appeal. Mr. Mickins had been informed by Mara Rosales, Deputy City Attorney, who handles the HRC's representation on this AGC challenge, that this Supreme Court decision (on the Richmond v. Colson case) could come down this year.

- Meeting with Coalition for Economic Equity

The Communications section of these Minutes refers to the invitation from James D. Jefferson on behalf of the Coalition to the meeting at the Mission Street Office of the S.F. Lawyers' Committee on Urban Affairs. Mr. Mickins was accompanied to this March 9 meeting by Frank Anderson, Vicky Zimpel, and Pansy P. Waller and other HRC staff. Some 30 persons attended the meeting, in the office of Eva Paterson of the Lawyers' Committee on Urban Affairs.

Mr. Mickins noted that one of the items under discussion was the extension of Chapter 12D, the MBE/WBE/LBE Ordinance (No. 139-84). It requires that at the end of the fourth year of the ordinance, which would be next Summer, the HRC is to do a study and advise the Mayor and the Board of Supervisors if the objectives of the ordinance have been accomplished and whether to recommend a three-year extension.

The Director said those at the meeting were very concerned about the HRC's implementation of Chapter 12D. There was some debate about whether to "skuttle" the ordinance and draft a new one, in view of the ruling by the U.S. Ninth Circuit Court of Appeals in early 1987 invalidating key aspects of Chapter 12D. The City's Petition for Rehearing has not yet been decided.

After two hours, Mr. Mickins said, the group set up a series of subcommittees to study, among other things, the implementation aspects and how City departments comply, where shortcomings exist in the implementation.

Basically, he said, the meeting appeared to be directed towards the Management Audit(by the Budget Analyst's Office) of the City's Compliance with Ordinance No. 139-84 (Chapter 12D). Two members of the group already had copies of the draft Audit. They did not go into an indepth discussion of the document, in view of the fact it has not yet been published officially, and that the HRC had been granted an extension of time to submit its formal Written Response (an item under Administrative Committee section of these Minutes below). This Response was submitted to the Budget Analyst March 7.

Mr. Mickins said that the Budget Analyst has informed the HRC that he will take the HRC Written Response and decide what changes he might make in the Management Audit, and then he would file his final report. Mr. Mickins said that he found these procedures distinctly unique and unprecedented. He said he got good advice from Commissioner Fernandez in preparing the Written Response, covering all the major issues.

Commissioner Fernandez asked for clarification about at what point the members of the Coalition for Economic Equity who also are members of the MBE/WBE/LBE Community Advisory Committee will be coming forth to the HRC and the Board of Supervisors with their concerns.

In the past, Mr. Mickins informed, they "...have operated out of both forums" since some people are in both organizations.

Commissioner Fernandez then expanded on her observations about the March 9 meeting, saying that at some point the HRC members need information on such meetings before they take place so they can prepare to meet such concerns at regular HRC meetings. She said the HRC needs to know that there is discontent on the part of members of the Coalition so they can be prepared to deal with it.

Commissioner Martin commented that there is a possible conflict of interest factor operating in this instance.

Commissioner San Jule asked that the Director provide members of the HRC in advance such items of communications as the invitational letter from Mr. Jefferson to the March 9 meeting, and suggested that a staff member be assigned to make certain this is done.

Commissioner Morrissey said that one point of information the HRC needs to determine in connection with the possible extension of Chapter 12D is how much it has cost the City, administratively, to implement it.

Mr. Mickins noted that that was one area which the Budget Analyst staff person doing the original Audit did not address, but that the cost benefits would be an important factor to determine as well.

Commissioner Fernandez and the others were assured by Director Mickins that all future pertinent communications will be supplied them as copies in advance of any discussions or meetings.

Commissioner Fernandez then suggested that the HRC be provided with a short overview of the Coalition for Economic Equity, its past activity and history, what underlies the present conflict, the problems that have arisen, the successes that have been achieved, the communication problems, if any, etc.

It was then (San Jule)

*****m/s/c that time be set aside for a discussion/overview of the MBE/WBE/LBE Community Advisory Committee and the Ordinance, and for an updated status report.

STANDING COMMITTEES

ADMINISTRATIVE

Lawrence B. Martin, Chairperson

- Written Response to Budget Analyst's Management Audit of the City's Compliance with Ordinance No. 139-84.

Copies of this printed document were distributed at this time to HRC members only. They were stamped CONFIDENTIAL. Mr. Mickins said that since the Response had not yet formally been published, there would be no discussion at this meeting, but asked that it be reviewed privately by them carefully.

This Written Response was discussed at the Administrative Committee's March 2 meeting.

At the initiative of Commissioner Morrissey, it was

*****m/s/c that the HRC write Budget Analyst Harvey Rose requesting that if he makes any changes of substance in the Management Audit based on the HRC's Written Response, the HRC be given a chance to make changes in the Response. The vote was unanimous.

NEW MATTERS

- Followup to Report on HRC Affirmative Action Program (AAP) for Construction Contracts - Vicky Zimpel

At the February 25, 1988 presentation on this revised program by Ms. Zimpel, the Associated General Contractors' District Manager, Thomas E. Thompson, asked for a 30-day extension in order for them to respond.

The HRC voted to continue the presentation on February 25, but postponed until its March 24 regular meeting formal action on adoption in order that the AGC have an opportunity to make its position known.

Ms. Zimpel reported that she is preparing materials, that the AGC Board was meeting on this day (March 10), and that she will have packets for the HRC members by Friday, March 18.

- Roster of Commissioners

A roster of current Commission members with addresses and contact telephone numbers was distributed and they were asked to notify of any corrections.

- Statements of Economic Interests

Jack Casford sent memos of reminder and all instructive materials for the completion of required Statements of Economic Interests to all Commissioners on March 3. He reminded that the due date for submittal to him is April 30, and there is a $10 a day fine for each day late.

- James Fields-new Contract Compliance Representative

Mr.Fields has joined the HRC staff, succeeding Betty Burrell.

He formerly worked for the Hunters Point Affirmative Action program, and the Apprenticeship Opportunities Foundation, and, most recently, for the Housing Authority.

He was welcomed to his new duties.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 24, 1988, at 9 A.M. in Room 1200 of the State Building in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced.
ADMINISTRATIVE	Tuesday, March 15, 1988 4 P.M. Room 509, HRC Offices 1095 Market Street
EMPLOYMENT	Thursday, April 7, 1988 1850 Mission Street
MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE	To be announced.
HOUSING AND URBAN DEVELOPMENT	To be announced.
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, March 17, 1988 3:30 P.M. 350 McAllister Street, Rm. 1200 State Building

No Remarks from the Audience

Adjournment

Respectfully submitted

Grant S. Mickins
via Jack Casford

GSM:JC:jy

SF
180
2
24/88

DOCUMENTS DEPT.
APR 15 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, March 24, 1988
Room 1200, State Building
9 AM 350 McAllister

NEXT MEETING

DATE:	Thursday, April 14, 1988
TIME:	9 AM
PLACE:	Room 1200, State Building 350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Michael Hardeman, Joe Jung, Larry Martin, Nicerita Revelo, Joan San Jule, David Yamakawa.

Excused: Allen Bennett, Samuel Chung, Rosemarie Fernandez, Corrine Lee, John Morrissey.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, James Fields, Eileen Gillis, Don Hesse, Veronica Ng, Richard Norton, Gail Roberts, David Treanor, Gary Wong, Vicky Zimpel.

- Mary Baker, observer from the League of Women Voters

- Richey Rice-Gore, observer from the HRC Employment Committee

- Harriet M. K. Ishimoto, of Kiyomura-Ishimoto Associates, doing public relations, outreach work for the HRC.

There was no Pledge of Allegiance because no Flag is provided in the meeting room.

- The Minutes of the meeting of March 10, 1988 were approved.

COMMUNICATIONS

- From Chief Edward J. Phipps, San Francisco Fire Department, an informational packet sent also to other City departments in 1987 regarding reassignment of field division chiefs, station bulletin boards, and other intra-departmental matters. Included were copies of the department's Equal Employment Opportunity EEO Policy and of the EEO Policy which addresses both racial and sexual discrimination within the department.

- From Michael R. Farrell, Acting Chief of Department (following Chief Phipps' resignation), responding to HRC Director Mickins' February 9, 1988 Memorandum to all Department Heads, expressing the HRC's official deep concern over discovery on January 4, 1988 of a swastika at Fire Station 13 and other racial incidents involving the San Francisco Fire Department. Mr. Mickins' Memorandum reminded that the Policy Regarding the Use of Slurs by City Officials and Employees, adopted by the Civil Service Commission (on the recommendation of the HRC) on August 18, 1980 needed to be again" disseminated and vigorously enforced by every officer and employee of the City and County." Mr. Mickins was informed that Chief of the Fire Department Andrew C. Casper, Chief at the time of the adoption of the policy, made it a part of the Fire Department's General Orders. Chief Farrell reiterated that then Chief of Department Phipps, in January 12, 1988, re-issued the department's EEO policy, and three new general orders.

- From M. H. Geistlinger, Director of Purchasing and Services, Purchasing Department, through Rudolf Nothenberg, Chief Administrative Officer, a February 23, 1988 Memorandum to all Departments, Bureaus, and Commissions, giving information for South Africa Implementation Report No. 4, to be submitted by March 7 by City offices for submittal by March 14 to the Board of Supervisors on the implementation of the City's South Africa Divestment Ordinance passed in February of 1986, prohibiting deposits, investment, contracts, or purchases involving City funds with persons or firms having relations with the government of South Africa or certain private entities doing business with or in South Africa.

- From Mr. Nothenberg, for Mayor Agnos, announcement of the Quarterly Blood Drive in City Hall on March 22, 1988.

- From Mr. Nothenberg, a general announcement to all Department Heads that Jay Patterson, Registrar of Voters, resigned March 4, and that Michelle Corwin, former Chief Deputy Registrar would be Acting Registrar effective also March 4.

- From John L. Taylor, Clerk of the Board of Supervisors, a general letter to top City officials and Department Heads, advising of a Charter amendment proposal to prohibit pay increases for all City employees, and to allow appointing officers to reduce work weeks for fiscal year 1988-89, and allowing the Board to adopt ordinances providing for early retirement.

- From Mayor Art Agnos, advising that effective March 1, 1988 Mr. Edward Gerber was no longer San Francisco's Legislative representative in the State Capitol, and until a new representative were named, requests regarding positions on State legislation or the State Budget should be forwarded to Mr. Claude Everhart, Deputy Mayor for Government Operations.

- From the City Attorney's Office, via Mara E. Rosales, Deputy City Attorney, Burk E. Delventhal, Supervisor, Deputy City Attorney, and Kimberly A. Reiley, Chief Trial Deputy, advising Director Mickins and Mr. Robert Cockburn, Executive Director, Clean Water Program, that the Untied States District Court dismissed the case of Olsen v. City and County of San Francisco; Ghilotti Bros. with prejudice on February 29, 1988. The case involved a constitutional challenge to Administrative Code Chapter 12B.

- From Mara E. Rosales, Deputy City Attorney, a Memorandum advising Director Mickins that the MBE/WBE/LBE Ordinance requires that, before October of 1988, the HRC must have concluded public hearings on whether the purposes identified in Section 12D.3 have or have not been achieved. This will determine if the Ordinance shall be extended beyond its five-year expiration date of April 1989.

- From Bob Gamble, a Memorandum to all Departments, giving instructions pertaining to budgeting for work orders.

- From Thelma Shelley, Managing Director, San Francisco War Memorial and Performing Arts Center, a Memorandum to John Walsh, General Manager, Personnel, Civil Service Commission, and Director Mickins, attaching a recent War Memorial Directive for all employees emphasizing the Policy Regarding the Use of Slurs by City Officials and Employees.

- To Ben Flores, Deputy City Attorney, from Director Mickins, enclosing a letter from Attorney John Taylor for P & K Trucking advising on a legal strategem (an answer on a Second Amended Complaint).

- From Michael J. Goldstein, Executive Director, California Community Dispute Services, thanking Director Mickins for his assistance in their initiative to have the Mayor's Criminal Justice Council administer the State-authorized Dispute Resolution Programs Fund.

- From John Mehring, SEIU Local 250 Bargaining Committee member, regarding negotiation of a new collective bargaining agreement covering some 1,800 workers at seven private San Francisco and Daly City hospitals. One proposal would extend nondiscrimination protection to the categories of physical handicap, medical condition, religion, and marital status. Mr. Mehring urged that the HRC urge support this extension of nondiscrimination categories.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Budget Deficit Impact

The Director has submitted to the office of the Mayor as requested the impact in efficiency, productivity, and mandate that projected budget reductions of 10%, 15%, and 20% would have on the HRC. He met (with other Department heads) with the Mayor on March 21 to hear a discussion of various union proposals and ballot measures the Administration is seeking. He said the Mayor has stated that the anticipated Fiscal 1988-89 City budget deficit would be approximately $180,000,000.

- Budget Analyst's Management Audit

See under Administrative Committee report below.

STANDING COMMITTEES

ADMINISTRATIVE
Lawrence Martin, Chairperson

- (Chairperson Suncin added an item 3. to the agenda for this Committee report: 3. Report by Commissioner San Jule on Meeting with Supervisor Willie Kennedy).

1. Budget Reduction Proposals, an informational item

- Commissioner packets for this meeting contained copies of the HRC's Budget Reduction Proposals with an Explanation of Functions (staff duties) which accompanied these proposals as submitted to the Mayor's Office. Commissioner Martin invited any comments or reactions to this material. There were none.

- 2. Management Audit of the City's Compliance with Ordinance 139-84, Minority/Women/Local Business Enterprise.

The final Audit by the Budget Analyst for the Board of Supervisors was released publically and officially March 17, 1988. Commissioners were provided with copies of press coverage of the release and of statements by Supervisor Willie Kennedy, who has moved that the November, 1988 ballot include her proposal for establishment of a City Office of Contract Compliance. The HRC released a response to the Management Audit also on March 17.

Chairperson George Suncin commented that this Audit, in its various stages, and the HRC response to them, had taken much work by the Administrative Committee, and that the final Budget Analyst version of the Audit showed few changes from his original version, in terms of allegations and "harsh language", necessitating careful HRC responses.

- The Chairperson asked that discussion of the Management Audit be tabled at this meeting, and put over for discussion at the March 31 meeting of the MBE/WBE/LBE Community Advisory Committee, which will provide a public forum for consideration.

To Commissioner San Jule's question about the custom of holding public hearings after audits, the Director informed that HRC staff was extrapolating action recommendations from the Audit for individual study and discussion.

He noted the copies of press coverage of the release of the Management Audit, and that the meeting of the Committee can be considered the provision of a public forum or hearing on the matter. In some cases, he said, the Board holds hearings, in some cases, departments do. He called for addressing those items in the Audit that pertain to changes or improvement. He said that when the Administrative Committee recommendations return to the HRC for action, the public will have full opportunity to have input.

It was then
*****m/s/c (unanimously) that the Management Audit be tabled and referred to the Administrative Committee for discussion and recommendations.

- 3. Report of Commissioner San Jule on Meeting with Supervisor Kennedy.

Director Mickins and Commissioners Rosemarie Fernandez and Joan San Jule met March 22 with Supervisor Willie Kennedy and one of her aides for a discussion of the Management Audit and other matters.

The Supervisor was concerned that the MBE/WBE program "... is not working well," and said that the Mayor's support is vital to making it work. She expressed concerns over reports that many City departments are late in reporting on MBE/WBE activity or don't report at all, and she stressed the urgency of getting compliance, especially with Mayoral action to obtain it.

The Supervisor stated her desire to establish a City-funded Office of Contract Compliance, and she said the funds were available. She suggested that departmental Affirmative Action officers be placed under an Office of Contract Compliance, and asked that the HRC spearhead this idea.

Problem areas about inter-departmental communication, staffing, and job descriptions were touched on.

Commissioners Fernandez and San Jule, Chairperson Suncin said, will be considered co-chairpersons of the HRC subcommittee to work with the Supervisor on this proposed Office of Contract Compliance. The Commissioner San Jule stated they would begin by obtaining job descriptions, by meeting with community groups such as the Coalition for Economic Equity, and by maintaining liaison with the Mayor's Office on its position.

- Director Mickins, asked about his position on the proposal to establish a separate Office of Contract Compliance, said that he has discussed the idea both formally and informally with Supervisor Kennedy. He said that when the idea was first introduced in early 1987, some Supervisors were not aware that the HRC had been the contract compliance enforcement agency for the City since its founding in 1964. He said that in order to set up a separate office, the work of those already carrying out Affirmative Action and compliance would be displaced, or transferred elsewhere. He noted that the Supervisor, however, had indicated that the proposed Office of Contract Compliance would not necessarily be separated from the auspices of the HRC, a point, he said, that still is not clear. He cited major City departments where staff are assigned specifically to Affirmative Action work.

The Director also noted that Mayor Agnos had indicated some uncertainty about the ramifications of the Kennedy proposal, and the ballot proposal had been moved from June to November Elections. In discussion, it was stated that the needed Charter amendment (to create the Office of Contract Compliance) would require only a majority to pass.

Commissioner San Jule pledged that she and Commissioner Fernandez will report back to the HRC on what information they can gather on the proposal and the concept of an Office of Contract Compliance.

- Commissioner Larry Martin commented that the proposal for creation of an Office of Contract Compliance must be very seriously considered by the HRC. He said, "If you stop and think about it, it could destroy the Human Rights Commission."

EMPLOYMENT

David K. Yamakawa Jr., Chairperson

- Revision of the HRC-Affirmative Action Program for Construction Contracts. - Vicky Zimpel, HRC Senior Contract Compliance Officer; Thomas E. Thompson, San Francisco District Manager, Associated General Contractors of California; and John J. Casey, President, Casey & Company, Insurance Brokers, and member of the AGC Board of Directors.

On February 25, 1988, the HRC heard Ms. Zimpel discuss in detail this revised version of the HRC's original Affirmative Action Program for Construction Contracts. At that time, at the request of the AGC through Mr. Thompson, the HRC voted to hear the formal presentation, to grant a 30-day extension to the AGC for its response and recommendations, and to postpone to the March 24 regular meeting formal action on adoption.

Mr. Thompson used standing charts to briefly outline the scope of the AGC membership, its purpose, its services to its members, (labor/government liaison/ public relations/work with regulatory agencies, etc.) He pointed out that its 2,000 companies and affiliates) members do 70% of all public works construction in California, and employ over 500,000 Californians.

The AGC considers itself pro-Affirmative Action through the actions of its members, job-site hiring, etc., he said.

Mr. Thompson then specified the main objections/positions of the AGC to the proposed Revision of the HRC Affirmative Action document (many of these points were made in writing in a letter of March 18 addressed to Director Mickins by Mr. Thompson).

1. The AGC believes the HRC Revision (53 pages) is too long, and it cited the 12-page document used by CALTRANS (the acronym for California Department of Transportation).

2. The definitions need to be rewritten. Mr. Thompson pointed out that requirements for certification applicants to produce income tax statements, business cards, stationery, and to have office locations is unreasonable for new, small, beginning minority and women-owned firms.

3. HRC requirements for change orders (when a contract has to be changed in mid-contract work and perhaps a new subcontractor brought in) in the field are too "rigid and unreasonable" as required by the HRC program.

Mr. Thompson then compared a number of other HRC program points that the AGC feels are either too high, or too rigid, or too "unreasonable" when compared with similar provisions in the CALTRANS program.

Mr. John J. Casey followed Mr. Thompson.

Referring to a number of statistical charts, Mr. Casey described a number of types of construction projects let by the City and County of San Francisco and how they operate, and how they are affected or disaffected by the HRC's Affirmative Action Program as proposed. Mr. Casey at the outset stated, "In discussion on minority issues, we are the villains, we are the ones who everybody points at, who nobody seems to understand."

In a typical chart, for example that showing a Paving/Resurfacing project contract, Mr. Casey pointed out, using the pie-shaped expense and operation chart, what factors had to be dealt with by a prime contractor and/or subcontractors, what the profit ratio was, etc. He then pointed out areas of difficulty for contractors, including what he called "unreasonable" MBE or WBE goals. Mr. Casey a number of times repeated his plea that the HRC set goals for MBE/WBE participation by the specific contract, noting that some bids are in the preparation stage for months or years. His presentation focused often on the point that all contracts are different, and that general MBE/WBE contracting rules cannot apply to all of them.

"We're not challenging the philosophy here,"he said, "what we want to see done is intelligent application of this concept....in the concept of competitive bidding."

Mr. Casey noted that the charts he was reading from were prepared in 1982, when the MBE program had not yet been proposed (it was passed in 1984).

Other charts dealt with the Cablecar (restoration) project, the Waterline job of the Public Utilities Commission, etc.

In his discussion of General Building contracts, Mr. Casey stated that it was an area where MBE/WBE goals were more likely to be possible to be reached, but he stressed again that the goals should be modified to fit the particular job.

In citing projects where specialized or complex factors are a part of the whole (as, for example the need to re-design a high school mechanical system before asbestos removal can be carried out), Mr. Casey said there are very few MBEs or WBEs who can do this kind of work, and he called for analysis by the HRC of contracts in the preliminary stages to see if MBEs and WBEs exist which can help a contractor meet a participation goal.

The AGC, Mr. Casey emphasized, wants the concept of "good faith" to be an integral part of its contract consideration.

Using a hypothetical instance of competing bids for a contract, Mr. Casey pointed out that in his opinion taking the highest bid on a job because it was the only bid from an MBE/WBE actually costs the taxpayer and the contractor money. He says this is a common occurrence under the program.

Mr. Casey cited projects that take place in remote areas, where MBEs and WBEs do not exist, or do not have special experience in a job.

He reiterated that the AGC wishes there to be (in the pre-bid stages) more careful study and a breakdown per contract and per type of contract before setting "attainable" MBE/WBE goals.

Mr. Casey referred frequently to the style of operation and the MBE/WBE goals (lower than the HRC's) of CALTRANS.

Mr. Casey claimed that many bidders are dropping out of City projects because MBE/WBE bids which are higher are being granted to fulfill the participation goals.

In his closing remarks, Mr. Casey criticized having Joint Ventures included in MBE/WBE contracting requirements. He said a Joint Venture is a partnership between two corporations, and the HRC "has no business" becoming involved. Joint Ventures, he said, are often between an established corporation and a new and emerging company which needs the 10 to 15 years of managerial experience required for successful operation. "If it is set up, and the HRC approves it," he said, "stay out of it. Let them run it themselves."

Mr. Thompson then returned to the floor to summarize the positions of the AGC in the form of these recommendations:

1. Shorten the document.
2. Restate the definitions.
3. Set the goals for minority subcontracting by type of job and the individual characteristics and conditions of that job.
4. Inclusion of the prevailing wage/apprenticeship clause.
5. Traditionalize Joint Venture guidelines.
6. Implement the Harris Bill ("public contracting under Section 2000") that mandate that the City use the ten "good faith effort" points.
7. Standardize the WBE/MBE/LBE certification process used by CALTRANS.

Chairperson Suncin requested that Mr. Thompson send these recommendations to the HRC in writing.

Reaction and discussion then began with Commissioner Yamakawa. He said that the seventh recommendation above (certification) is not a part of the HRC workload as it pertains to Affirmative Action in construction contracts. Certification is in the Rules and Regulations under Chapter 12D, a separate document.

As Chairperson of the Employment Committee, the Commissioner said, he felt somewhat out of place, because none of the AGC recommendations pertain to the employment aspect of the program, noting that none of the proponents of the Affirmative Action program talked about employment aspects, with which he surmised that it is acceptable as is.

Director Mickins noted that the document does contain employment requirements but that evidently the AGC chose not to respond to them.

Mr. Thompson said they were not included, but that they have (the AGC) has no objections to the job-site employment goals.

Ms. Zimpel then rose to respond to the seven recommendations:

1. She noted that although the document of the program is lengthy, comparison with the CALTRANS was inappropriate because the HRC program includes a local business provision, employment section, and a bid preference section. In addition, she said that the HRC has some ten years' experience with bid protests (many of them filed by AGC members), followed by City Attorney rulings. In fact, she said, many people in the community feel these rulings should be included for guideline information. Inclusion of the Rules and Regulations and other supportive documents has, she said, been received favorably in many quarters, which look to the HRC document as a resource.

2. The definitions, she said, come out of the Rules and Regulations and the Ordinance (Chapter 12D), which are under consideration and revision currently. Those definitions can only be changed when the Board of Supervisors votes changes in the Ordinance or the HRC votes changes in the Rules and Regulations.

- As for change-order recommendations, though realizing that the change-order provisions currently in use are "difficult to implement", they are in the program because they are in the Ordinance, she emphasized and the City Attorney said the change-order rules must be included in the document.

3. She noted the possibility of flexibility in setting goals for minority subcontracting by type of job, and cited some contract arrangements through the Airports Commission.

4. The HRC has no objection, she said, to inclusion of the prevailing wage or apprenticeship factor.

Ms. Zimpel then continued to address the AGC recommendations in some detail, noting that the HRC has the same allowances for "good faith" efforts as CALTRANS, that it is legally impossible to accept certification standards of other entities, etc.

She noted that Mr. Casey's presentation had covered the Cablecar project which did not have any HRC involvement, as with the Waterline project.

- Commissioner Yamakawa observed that much of the discussion thus far had not focused on the revisions but on the ongoing program, and he said that any resolution of differences will take much time and study. For example, the AGC request to shorten the document would be with the goal of making it more understandable or readable.

He said that the Employment Committee currently is reviewing employment goals and when this is completed, the HRC will be in a new cycle of looking at the program.

- Chairperson Suncin commented that there does not appear to be great opposition to the document itself, but that there are concerns in areas that can be worked on in subcommittees.

He then invited comments from members of the audience with any concerns about the AGC recommendations or the document itself. He reminded that the AGC will send its seven recommendations in written form to the HRC, which will refer them to subcommittees to act on them and make their recommendations.

Joyce Vanman, Bay Area Women's Committee for Carpenters board, said she was a member of the Employment Committee's subcommittee that worked a year on drawing up the employment goals. She urged that the AGC have representation on the Employment Committee.

Mr. Thompson for the AGC said that his organizations does object strongly to the Revision document, and said that the seven recommendations cannot be addressed without a thorough revision of the document as proposed.

- Johnny Bledson, of Big J. Trucking, said that without the HRC, many minority firms in recent years would have been forced out of business. He asked for consideration of the subcontractors, and said that the HRC has done "a fantastic job."

- Ralph Esquivel, of Esquivel Grading and Paving, commented on the guidelines revisions and on the guidelines revisions and on the complexities of bid packages.

- Ms. Pam Sherman, head of Sherman Trucking Corporation, said that it was correct for the HRC to require income tax forms for certification. She said that the HRC has the only thorough, consistent follow-through with contractors and subs to see that all requirements are being complied with.

This she contrasted with CALTRANS, which, she said, has no follow-through with its programs. She cited the HRC staff on-site coverage and monthly reporting requirements.

It was then
*****m/s/c (unanimously) that the HRC adopt the Human Rights Commission-Affirmative Action Program for Construction Contracts, as revised.

LESBIAN/GAY ADVISORY

- Letter to Mayor Agnos re: the effect of Commissioner vacancies upon the Lesbian/Gay Advisory Committee. Postponed to the next regular meeting of the HRC.

- Committee Report - Postponed to the next meeting.

YOUTH AND EDUCATION

Rabbi Allen B. Bennett/John C. Morrissey, Co-Chairpersons

- Committee Report - Postponed to the next regular meeting.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, April 14, 1988 at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	To be announced.
ADMINISTRATIVE	To be announced.
EMPLOYMENT	Thursday, April 7, 1988 1850 Mission Street
MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE	Thursday, March 31, 1988 4:30 PM Women in in Apprenticeship 1095 Market Room 712 San Francisco, CA 94102

HOUSING AND URBAN DEVELOPMENT	To be announced.
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, April 21, 1988 3:30 PM 350 McAllister Street, Room 1200 State Building

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:np
4/5/88

5F
180
2
/14/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of April 14, 1988
Room 1200 State Building
9 AM 350 McAllister

DOCUMENTS DEPT.
APR 26 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, April 28, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners:

Present: George Suncin (presiding), Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Larry Martin, John C. Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa Jr.

Excused: Allen Bennett, Corrine Lee.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Eileen Gillis, Veronica Ng, Norm Nickens, Richard Norton, Gail Roberts, Gary Wong, Vicky Zimpel.

There was no Pledge of Allegiance because no Flag is provided in the meeting room.

The Minutes of the Meeting of March 24, 1988 were approved.

COMMUNICATIONS

- From Marilyn Burgess, Director of January Term, Denison University, Granville, Ohio, thanks to Gail P. Roberts of the HRC staff for her help and cooperation in the January Term program under which Denison students were placed at the HRC as interns.

- From Elizabeth A. Gowdy, LMSW, Citizens for Human Rights in Lawrence, Kansas,a widely-circulated solicitation letter asking for groups across the nation to provde copies of policies, legislation, educational materials, etc. about lesbian/gay civil rights protections.

- From Michael J. Goldstein, Executive Director, California Community Dispute Services, a copy of a letter sent to Supervisor Harry Britt and other public and private law enforcement and legislative officials, seeking support for an initiative to have the Mayor's Criminal Justice Council administer San Francisco's Dispute Resolution Programs Fund. Supervisor Nancy Walker has sought adoption of an ordinance to have the Mayor's Office of Community Development administer the Fund.

- From Garrett Kone, of San Bruno, CA, a copy of his letters to members of the Civil Service Commission regarding " ... lack of Asian American and ethnic minorities in general in San Francisco City Government through civil service exams and exempt positions."

- From William R. Tamayo, Attorney at Law, Asian Law Caucus Inc. informing Donald Hesse, of the HRC staff, that two persons, Deeana Jang and Ed Kissam, have been hired to complete the HRC Survey on Immigration Reform and Control Act.

- From Alvin W. Schaaf, Personnel Director, Recreation and Park Department, a copy of a Memorandum to that department's employees from Mary E. Burns, General Manager, quoting in full the City's Policy Prohibiting the Use of Slurs by City officials and employees, expressing strong support of the policy and adopting it via departmental directive. The City policy was adopted by the Civil Service Commission August 18, 1980, on recommendation of the HRC, and by Memorandum September 2, 1980, John J. Walsh, General Manager, Personnel, requested "that each commission, board and department adopt the policy and that it be widely disseminated to and rigorously enforced by every officer and employee of the City and County."

- From Julie Robbins,LCSW,Victim Services Advisory Committee, announcing that President Reagan has declared April 17 to 23, 1988 to be "National Victims' Rights Week. The City's Victim Services Advisory Committee was formed in January of 1985 by the Division of Forensic Services of Department of Public Health.Ms. Robbins enclosed a list of events and poster.

- From John L. Darrouzet, Chair, Austin (Texas) Human Rights Commission, soliciting congratulatory pages for the 40th anniversary commemorative program for the Annual conference July 24-28 of the International Association of Official Human Rights Agencies, to be held in Austin.

- Director Mickins informed Commissioner San Jule that he has attended the annual meetings of this organization for many years, as well as the annual conferences of the California Association of Human Organizations (CAHRO).

- From LaVera Gillespie, Director, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, San Francisco Regional Office, Region IX, announcing a luncheon to mark the Twentieth Anniversary of the signing of the Federal Fair Housing Law of 1968. The luncheon was set for April 19 at 11:30 AM at the Fort Mason Officers' Club.

- To former Commisioner Brenda K. Wade, Ph.D., a letter of thanks and commendation from Director Mickins on the occasion of her resignation after eights years' service.

- From John L. Reed, President, Duty Free Shoppers-West, based in Los Angeles, updating the HRC on Duty Free Shopper's progress regarding the conciliation agreement between the HRC and DFS of February 25, 1988. The update addresses each point of the conciliation agreement.

The HRC has acted on a Formal Complaint alleging race discrimination by Huel Washington filed with it October 9, 1987. The HRC Mediation Team consisted of three Commissioners (Fernandez, Hardeman, San Jule)., the Director, and Frank Adnerson, HRC Coordinator. The resolution of the complaint and the conciliation agreements were announced officially by the HRC at its February 25, 1988 regular meeting.

- From James D. Jefferson, to Coalition for Economic Equity Members, a Memorandum of APril 5, 1988 announcing the agenda for the Coalition meeting of April 13, 1988. See Commissioner Fernandez's comments below on this meeting.

- From Larry Myers, Executive Secretary, Native American Heritage Commission, a copy of a general distribution of a draft Resolution to the California Legislature that would urge the establishment of a monument honoring California Native Americans.

- From Lulann Sapp McGriff, President, San Francisco Branch, National Association for the Advancement of Colored People, a copy of her letter to William Stead, General Manager, San Francisco Municipal Railway, (with copies to Mayor Agnos, officials of the Public Utilities Commission, the Civil Service Commission, and members of the Board of Supervisors), charging that Mr. Stead is named by Black Municipal Railway employees "... concerning your derogatory and racially discriminatory treatment of them."

- From Judge Leland J. Lazarus, retired justice of the San Francisco Superior Court, on behalf of the Tribute Committee of the 1988 Community Service Awards Dinner of the American Jewish Committee, asking Director Mickins to join the Tribute Committee honoring Hadley Roff, Executive Deputy Mayor of San Francisco. The dinner will take place May 18, 1988 at the Fairmont Hotel.

- From Mayor Art Agnos, asking Director Mickins' assistance in investigating claims by A-Plus Roofing Inc. that Roofers Union 40 and the Union Trades Council have attempted to disqualify the firm from roofing projects. Documents provided by A-Plus Roofing were enclosed. The Mayor wrote that the HRC is to investigate "...the validity of whether A-Plus has been subject to any unlawful harassment and whether the civil rights of its workers have been violated."

- From Jeffery Amory, Director AIDS Office, Department of Public Health, a copy of notification to Cynthia Bautista, Director of Finance, regarding a transfer of $600 (in the 1987-88 Fiscal Year) from the Public Health Central Office, Public Health AIDS, to the HRC to support a law intern for 20 hours a week from June 1 to July 1, 1988 under a work-study program helping in investigation of complaints regarding the AIDS service providers' compliance, departmental policies and procedures, or contract commitments.

The Memorandum further states that the AIDS office has budgeted $7,000 for 1988-89 for this purpose.

Norman Nickens explained to the Commissioners that the extra staff responsibility required that it have financial support for hiring work-study interns to carry out the AIDS Office request. Half of the interns' stipend/pay is underwritten by the law school concerned and half by DPH funding workordered to the HRC.

CHAIRPERSON'S REPORT

- Mayoral Appointments to Commissions.

Chairperson Suncin said that he has learned that the Mayor's Office (selection committees) have prepared lists of potential commissioners for appointment, ranked, A, B, C. He asked the Director if he had any further information on these lists. Mr. Mickins said that as of ten days ago, nonincumbent applicants were still being interviewed. He said some announcements of Mayoral appointments are due very soon.

Commissioner San Jule said that the announcements would possibly be the week of April 18.

- HRC Priorities List.

Chairperson Suncin requested that the Director prepare a list of HRC priorities, in order for plans to be made for dealing with them. Appointments to Standing Committees are being made, he said, on an "as-needed" basis for the time being.

DIRECTOR'S REPORT

- City 's Budget Deficit and Mayoral Action.

The Mayor's Office has begun to "finalize procedures" as far as specific steps to take to meet the exigencies of the anticipated $180 million City budget deficit for the 1988-89 fiscal year beginning July 1.

Mr. Mickins said that a Task Force has been working with the Civil Service Commission staff to oversee the process of personnel layoffs, seniority lists, lateral moves within the Civil Service Systems, etc. Frank Anderson is representing the HRC on this Task Force.

The Director said that the HRC's position and concern has been voiced on the matter of many of its minority staff, who have been hired in the past ten years or so to implement the expanded Affirmative Action and Minority/Women/Local Business Enterprise program work and who would possibly be immediately affected in the application of strict seniority and "bumping" rules. This can happen in other departments, as well, the

Director said, and that Task Force is being monitored closely for the impact on minority workers. The HRC hopes, he said, that the Affirmative Action work of the recent several past years will not be "nullified" by these layoffs vis a vis the seniority system. Community groups have written their concerns on this aspect to the Mayor already, he reported.

The Mayor's staff is meeting with City departments (Mr. Mickins had a session scheduled for April 15) to see how they plan to implement the layoff requirements, as much as 20% being cut, possibly.

- Jackie Winnow's Medical Leave and NOW Honor.

Ms. Winnow, Coordinator of the HRC's Lesbian/Gay AIDS Unit, and a member of the HRC staff for eight years, is on medical leave. She is to be honored by the National Organization for Women (NOW) with four other women (Eva Jefferson Paterson, Nanci Strum, Nancy Pelosi, and Carolyn Wean) at a reception honoring Daughters and Mothers Working for Social Change. The reception will be at the home of Congresswoman Pelosi on May 6, 1988 from 6 to 8:30 PM. Ms. Winnow is being honored, the invitation reads, as a "Lesbian-Feminist, social activist, cancer survivor."

Director Mickins urged the members of the HRC and staff to support this fund-raising event for NOW and Ms. Winnow's recognition. He will send a Memorandum giving details on this event to all HRC and staff.

- Mr. Mickins then read a letter sent on behalf of the HRC and staff to Ms. Winnow expressing their collective concern about her illness how much her work is appreciated and missed, and their anticipation of her return.

SPECIAL ORDER

a. A (Proposed) Resolution of the Human Rights Commission of the City and County of San Francisco to Adopt the Revised Disadvantaged Business Enterprise (DBE) Requirements in Accordance with the 1987 Surface Transportation and Uniform Relocation Assistance Act for Federal Aid and Urban (FAU) Projects.

Copies of this proposed Resolution and a cover Memorandum explaining the need to adopt it were provided in advance to the HRC. Veronica Ng, HRC Contract Compliance Representative wrote that the HRC annually has been monitoring approximately five Federal Air Urban-funded projects (funded by both the federal and California State (CALTRANS) Departments of Transportation for the repair of City streets. The HRC is pre-empted, in terms of jurisdiction by federal and State regulations. For example, the HRC has had to accept CALTRANS Minority or Women Business certifications and definitions rather than apply its own standards.

The 1987 Surface Transportation Act combined what had previously been separate MBE/WBE goals into a combined DBE (the term "Disabled Business Enterprise" is used by the federal and CALTRANS staffs) goal. As the Act applies to FAU projects, CALTRANS is requiring San Francisco, through the HRC, to adopt a formal resolution of the DBE requirements for this year's FAU projects. This is the condition for the City to receive the funding for these street projects.

It was then

*****m/s/c that the HRC adopt the Resolution...to Adopt the Revised Disavantaged Business Enterprise (DBE) Requirements in Accordance with the 1987 Surface Transportation and Uniform Relocation Assistance Act for Federal Aid and Urban (FAU) Projects. The vote was unanimous. A copy of this Resolution is attached to these Minutes.

b. History of the MBE/WBE/LBE Advisory Committee and Its Interrelationship with the Coalition for Economic Equity.

This document, six pages in length, was prepared by Gail Roberts of the HRC as a followup to the formal request of Commissioner Fernandez at the HRC's March 10, 1988 regular meeting. Time will be set aside, also at Commissioner Fernandez's request, for a subsequent meeting for a discussion/overview of the MBE/WBE/LBE Advisory Committee and Chapter 12D.

c. Special Director's Announcement and Report.

Sealed envelopes were handed each of the Commissioners present, and Director Mickins then read in full their contents, his formal letter of resignation as Director. The full text is attached to these Minutes. In his letter, Mr. Mickins said that while his resignation would become effective officially July 1, 1988, he will conclude his active duties at the HRC on or before May 13, 1988. Mr. Mickins became Director in July of 1975, having earlier served as Coordinator of Employment. He said he has formally resigned in a meeting April 13, with Mayor Agnos, who accepted his resignation, asking that he be available for future advice and counsel.

Mr. Mickins recommended that Frank V. Anderson, veteran HRC staff member and presently Senior Contract Compliance Officer and Project Director of the Minority/Women/Local Business Enterprise Program, be named Interim Director while the HRC begins the process of selecting a permanent Director/successor.

Mr. Mickins said that he intended to work during the next three to four weeks to clear up pending matters, cases that are pending, etc.

Brief statements of commendation, thanks, good wishes, and appreciation were made by Commissioners Fernandez, Hardeman, Martin, Morrissey, Chung, Revelo, San Jule, and Suncin, and there was a round of applause for Mr. Mickins.

Frank Anderson, speaking for the HRC staff, announced that he has begun some preliminary planning on the commemoration activities as Director Mickins retires, and stated "...we plan to send him out in great style."

Chairperson Suncin noted that the MBE/WBE/LBE Resolution Ordinance was accepted December 13 1982, that Mr. Mickins announced his resignation on April 13, and that his last regular HRC meeting as HRC Director will be on May 13,

Mr. Mickins briefly sketched his career of 35 years in public service, having worked at Log Cabin Ranch (for juveniles), at the Youth Guidance Center, the first minority Probation Officer person in Adult Probation, and later the Deputy Director of the Mayor's Criminal Justice Council, He became Director of the HRC, succeeding William L. Becker, July 24, 1975. He was the HRC Coordinator of Employment from 1970 to 1972.

STANDING COMMITTEES

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioners Rosemarie Fernandez and Joan San Jule
Co-Chairpersons

- Committee Report-Clarification of Policy-Commissioner Fernandez.

This information was mailed as a Memorandum to the Commissioners in advance of this meeting.

Because of issues raised in the March, 1988 Budget Analyst's Management Audit of the City's Compliance with Ordinance 139-84, Minority/Women/Local Business Enterprises (MBE/WBE/LBE Ordinance), the Advisory Committee voted March 13, 1988 to recommend that the HRC take the following formal action:

1. That it reaffirm the current definition of "Eligible Contract Dollars" in the Rules and Regulations for Chapter 12D of the San Francisco Administrative Code:

"Eligible Contract Dollars" shall mean the total dollar amount of contractors to be awarded by a department during a fiscal year excluding contracts with non-profit agencies, contracts awarded according to federal or State of California requirements that conflict with or preempt the Ordinance (Chapter 12D), and contracts for which waivers were granted by the Director.

The information Memorandum from staff provided copies of the Budget Analyst's Management Audit, the response to the Audit on March 8, 1988 by the HRC, the City Attorney memorandum of February 3, 1988 on the MBE/WBE/LBE Ordinance (Administrative Code Chapter 12D). The latter was in response to the Budget Analyst's office request for information on the current status of the Associated General Contractors v. City and County of San Francisco case and to explain how the contract set-aside provision is implemented by the HRC.

Frank Anderson noted that the Management Audit had challenged the HRC's definition of Eligible Contract Dollars as well as HRC staff interpretation of the definition. He noted that the Advisory Committee had committed to following the current defintion, and that in order to avoid further controversy, the Committee was asking that the full HRC reaffirm that definition.

Commissioner San Jule commented that Aileen Hernandez, of the Advisory Committee, had indicated that the definition may be too narrow, and may be looked at again in the future. However, she went on, the HRC has an immediate need to adopt the recommendation to reaffirm.

Commissioner Fernandez said that at the Coalition's April 13 meeting there had been informal agreement that the non-profit agencies not be counted in Eligible Contract Dollars. She noted that it is crucial that the HRC complete work on the required report to the Board of Supervisors on whether Chapter 12D has succeeded in its goals, or needs to be extended.

Commissioner Yamakawa asked for comment on the multi-year contracts and their effect on the words, "to be awarded" in the definition under discussion.

Mr. Anderson said there had been only one multi-year contract awarded thus far (one for $18 million to Human Resources) And he said that for the present the HRC intends to follow the current Rules and Regulations for Chapter 12D, rather than draft another position regarding multi-year contracts.

Commissioner Morrissey said that the HRC needs to state in writing (in the upcoming summary report regarding extension of Chapter 12D) the reasons for the HRC support of the present definition and for excluding non-profit agencies from the definition.

After further discussion, in which Commissioner Yamakawa also participated, it was

*****m/s/c that the HRC to reaffirm the current definition of Eligible Contract Dollars.

2. That the HRC reaffirm that only HRC-certified firms will be credited for participation towards meeting the MBE/WBE/LBE programs's goals and objectives.

Mr. Anderson commented that some departments have claimed that they have used firms that have not been certified by the HRC, and want us to credit them. The HRC does not know if those firms are bona fide until they have been certified. Mr. Mickins commented that currently most all minority and women firms are being referred by City Departments to the HRC for certification first.

Commissioner Morrissey suggested that the (Fiscal 1986-87 MBE/WBE/LBE Contracting Data Report to the Board of Supervisors on Chapter 12D now in preparation include the Eligible Contract Dollars definition but what is excluded and why. He said that this information "might have aided the Budget Analyst's study."

Mr. Anderson said that the HRC plans to elaborate on this point, but emphasized that the Budget Analyst had been well aware of the reasons for exclusion, etc.

The Committee recommendation, Mr. Anderson said, will serve to clarify policy and assist staff in expediting the development and production of the Fiscal 1986-87 MBE/WBE/LBE Contracting Data Report of City Departments.

It was then

*****m/s/c that the HRC reaffirmed that only HRC-certified firms will be credited for participation in the (MBE/WBE/LBE) program, towards meeting the program's goals and objectives. The vote was unanimous.

Upcoming Hearings

Chapter 12D requires that public hearings be scheduled by the HRC to determine if the purposes of Chapter 12D have not yet been achieved, in which case it shall report to the Board of Supervisors no later than 200 days prior to the expiration date (May 11, 1989).

Commissioner Fernandez reported that the Advisory Committee is getting under with plans to hold the first of two, possibly three, public hearings as required probably beginning in June of 1988. Coalition for Economic Equity and the Advisory Committee will participate actively in these hearings. Frank Anderson said that the public hearings should be completed by August of 1988. Earlier, it had been announced that the Board must be informed in October of 1988 of the findings of the hearings.

Commissioner Fernandez further informed that at this point the attorneys for the Coalition,. headed by Eva Jefferson Paterson, and the Lawyers Committee have decided it would not be worthwhile to change Chapter 12D in any way presently, since a landmark case (J.A. Croson Co. v. City of Richmond) involving a challenge to the Virginia city's minority business set-aside currently is pending on Richmond's Appeal to the U.S. Supreme Court has attracted widespread interest in the nation, and the City Attorney's office here is preparing an amicus curiae brief to file in support of the City of Richmond. The Supreme Court ruling on the appeal is expected in October. The Lawyers' Committee, Commissioner Fernandez said, hopes also to file an amicus curaie brief by April 30, and its sponsoring a fundraiser effort to support this work.

- Commissioner Fernandez said also that the Coalition is moving towards setting up a more formal organization, with regular officers and a standing meeting schedule, and to move from being an ad hoc group.

Commissioner San Juler commented also that the turnout for the Coalition for Economic Equity meeting had been substantial. The members of the Coalition were asked to attend future meetings of the HRC.

Commissioner Morrissey stated that he hoped that at the hearings there will be an attempt to answer the question: 1. To what extent has the operation of the Ordinance (Chapter 12D) increased the number of minority and women-owned businesses in San Francisco, and 2. to what extent has it increased the number that are willing to deal with the City. The purpose, he said, is to show that there has been some improvement, and to answer the critics who claim it helps only certain individuals with a "subsidy".

Chairperson Suncin said the HRC would consider having visual charts to demonstrate the changes and impact of Chpater 12D.

- Commissioner Fernandez also said that staff would be working with the attorney's for the Coalition in assembling the data for the amicus curiae brief...There have been community reports that money has been saved by the City as a result of broadening the contracting bidding base.

YOUTH AND EDUCATION

Commissioners Rabbi Allen B. Bennett and John C. Morrissey
Co-Chairpersons

- Committee Report.

The Committee at its March 17, 1988 meeting reviewed at length the response of Robert Harrington, Coordinator, San Francisco Unified School District Planning, Research & Information Systems, on behalf of Superintendent Cortines, to the Committee's February 2, 1988 letter requesting information related to potential or actual dropouts from school. The Committee judged that three of the nine questions articulated in the letter were answered. To explain what was intended by the questions and to obtain the requested information, the Committee designated a five-person committee to meet with the Superintendent.

Margery Levy and Barbra Bell represented the Youth and Education Committee recently at a teacher training session focusing on teacher expectations of students. The issue of teachers expecting students to achieve at their capacity will be included in the discussion with the Superintendent.

The next meeting of the Youth and Education Committee will be April 21st.

LESBIAN/GAY ADVISORY

Rabbi Allen B. Bennett, Acting Chairperson

- Committee Report.

The Committee has drafted a letter to be sent to Mayor Agnos urging that he make as quickly has possible his selections to fill the traditionally Lesbian/Gay-sensitive HRC positions left by the resignations of Commissioners Phyllis Lyon and Sal Rosselli. The Committee also pointed out the gap in its direction left by the medical leave granted to staff Coordinator Jackie Winnow.

It was announced that Commissioner Bennett has agreed to act as Interim Chairperson of the Committee.

The HRC informally agreed that this letter be sent to the Mayor over the signature of Chairperson Suncin.

NEW MATTERS

- Commissioner Morrissey noted that the San Francisco Examiner lists the meeting notices of various City boards and commissions and urged that HRC be included.

REMARKS FROM THE AUDIENCE

- Filipino-American Political Association Suit v. City and County of San Francisco/Civil Service Commission in re: Allegations of Discriminatory Employment Policies.

Ms. Helen Marte Bautista, Vice-President, Filipino-American Women's Action League, distributed copies of class-action suit filed on behalf of a number of Filipino-Americans (2,900 present, former, and potential employees of the City), alleging discrimination against them by the Civil Service in employment, advancement and promotional opportunities. The suite is brought by Public Advocates, Inc. (Robert L. Gnaizda, Chief Counsel for the Plaintiffs).

Ms. Bautista said that no Filipino-Americans have ever risen into management positions in City employment.

She asked that the HRC support this lawsuit, which is before the Equal Employment Opportunity Commission in Washington, D.C, and filed both there and in San Francisco.

- Chairperson Suncin referred Ms. Bautista's request and the document lawsuit to the Director for a recommendation for HRC response.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, April 28, 1988, at 9 AM in Room 1200 of the State Building in the Civic Center

STANDING COMMITTEES

Administrative	Wednesday, April 20, 1988 4 PM Room 509 HRC Offices 1095 Market Street, Suite 501
Ad Hoc Committee on AIDS	To be announced
Employment	Thursday, May 5, 1988 1850 Mission Street
MBE/WBE/LBE Community Advisory Committee	To be announced
Housing and Urban Development	To be announced
Social Issues and Police Liaison	To be announced
Youth and Education	Thursday, April 21,1988 3:30 PM 350 McAllister State Building

Adjournment

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC:bclp
HRC/Min.4/14/88
[CORR2]

Attachments

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

April 13, 1988

George Suncin, Chair
Lawrence Martin, Vice Chair &
Members of the Commission
San Francisco Human Rights Commission
1095 Market Street, Suite 501
San Francisco, California 94103

Dear Commissioners:

This letter is to formally advise you of my decision to resign my post as Executive Director of the Human Rights Commission effective July 1, 1988 and officially retire from a 35-year career as a public servant for the City and County of San Francisco. In order to utilize the many hours of leave time accumulated heretofore, it is necessary that I conclude my active duties at the Commission on or before May 13, 1988. This has been a difficult and heartwrenching decision to reach.

Fifteen of my 35 years as a public servant for the City and County has been served with this Commission. I have served as your Chief Executive since July, 1975 and have been privileged to oversee the implementation of many of the evolutionary changes that has brought the Commission into the forefront as the City's primary body to mediate and conciliate intergroup disputes; ensure nondiscrimination in employment by City contractors and lessees, and the development of the innovative Minority/Women and Local Business Enterprise Programs. The Commission has acquired national recognition for its early protections in the area of sexual orientation, and more recently in response to AIDS discrimination. The dedication and commitment of the Commissioners' past and present has been the underlying force to effect these many changes and protections which many citizens have come to enjoy.

The City now has a new Administration clearly committed to the goals and aims of the Human Rights Commission; but facing a serious fiscal crisis of unprecedented proportions. I only regret that personal considerations will not allow me to remain to aid in addressing these problems as they may impact upon the Commission, its staff, and its work. I am, nonetheless, deeply committed and concerned that the Commission's work not be seriously curtailed during this critical period.

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 9410

In the above regard, I am recommending that Mr. Frank Anderson, Senior Contract Compliance Officer, and Project Director of the Minority/Women/Local Business Enterprise Program be named Interim Director as the Commission gears up to the arduous task of selecting a permanent successor to guide it through the difficult years ahead. Mr. Anderson has served the Commission in virtually every capacity during his 20 years on the staff and fully understands its broad mandates and administrative complexities. Moreover, he has served ably as my immediate Assistant and as Acting Director during prior temporary periods of my absence from the Commission.

Finally, you may be assured of my willingness and availability to consult with you and members of the staff at anytime during the next several months to ensure that the Commission's work continue in the best interest of those citizens we have committed ourselves to serve.

Lastly, words do not suffice to express my deep feelings of gratitude for the never ending support and counsel you have always shown me during the hundreds of hours it has taken to define the issues and develop solutions. Those times are always to be cherished as I go forth.

Sincerely,

Grant S. Mickins
Director

GSM:pa
[Rs-2]GSM2

cc: Mayor Art Agnos
Claude Everhart, Deputy Mayor
Members of the Commission - HRC

Attachment #2

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

A RESOLUTION OF THE HUMAN RIGHTS COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO TO ADOPT THE REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) REQUIREMENTS IN ACCORDANCE WITH THE 1987 SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT FOR FEDERAL AID AND URBAN (FAU) PROJECTS

WHEREAS, the 1987 Surface Transportation and Uniform Relocation Assistance Act, herein after referred to as "ACT", has required that all Federal Aid Urban (FAU) Projects adopt the existing disadvantaged business "DB" programs in accordance with the ACT; and

WHEREAS, the ACT presumes that women are socially and economically disadvantaged individuals whose participation may be counted in attaining "DB" goals; and

WHEREAS, as such, separate Woman Business Enterprise, "WBE" goals will no longer be used and the terms "DB" and "WBE" in the current adopted program shall be understood to mean "DB"

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission does hereby approve the above guidelines applicable only to FAU projects.

####################

Resolution 1 - 88

Adopted by the HRC 4/13/88

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

SF
1180
2
428/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of April 28, 1988
Room 1200 State Building
9 AM - 350 McAllister

DOCUMENTS DEPT.
MAY 10 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, May 12, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center

ROLL CALL

Commissioners

Present: Larry Martin (presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, John Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa, Jr.

Excused: Rosemarie Fernandez, Michael Hardeman, Corrine Lee, George Suncin

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, James Fields, Norm Nickens, Dick Norton, Gail Roberts, Vicky Zimpel

Mary Baker, observer from the League of Women Voters

Barbra Bell, observer from the San Francisco Chapter of the National Association for the Advancement of Colored People.

Manuel Llama, President, Malaco International, Inc. and his Attorney, Claudia S. Huttner, of Adams, Sadler & Hovis

The Minutes of the Meeting of April 14, 1988 were approved, noting that the pages were mis-numbered, so that Page 7 should read Page 6 and so on. Director Mickins said the error would be corrected in other copies.

There was no Pledge of Allegiance because no Flag is provided in the meeting room.

COMMUNICATIONS

- Copies of Memoranda: From: Andrew Fisher, Investigator, to Rose Miksovsky, Deputy City Attorney, January 11, 1988, regarding his work in tracing James Lawrence, needed as a witness in the case of the HRC v. Malaco International, Inc. in Superior Court.

- From Director Mickins, on January 28, 1988, to Rose Miksovsky, requesting depositions in the Malaco case from James Lawrence, Carl Washington, Carl Graffenstatte, and Aaren Greenberg.

- From Mara Rosales, Deputy City Attorney, to Director Mickins February 24, 1988 informing that the HRC may issue subpoenas to the above-named persons (for depositions) but that the HRC's subpoena power does not extend to Mr. Lawrence, who lives in Hawaii.

- From Director Mickins to Mayor Art Agnos, responding to the Mayor's April 6 letter requesting the HRC's assessment of proposed legislation offered by Supervisor Richard Hongisto, giving the impact it would have on the HRC budget, staff, and so on. The legislation (see Director's Report) would mandate the HRC to review all City contracts for compliance with the City's Nondiscrimination requirements (Chapter 12B of the Administrative Code) before contracts are awarded.

- From the U.S. Equal Employment Opportunity Commission, a press release announcing hearings on June 15, 16, and 17 in Washington, D.C. on the advancement of women and minorities in the corporate workforce.

- From L.A. Turpen, Director of Airports, Airports Commission, requesting a copy of the proposed revisions of the HRC's Affirmative Action (AA) Program for Construction Contracts, adopted by the HRC at its regular meeting March 24. Mr. Turpen wrote that his office had not been notified of the scheduling of the item, and "strongly" recommended that the HRC rescind its vote until the Airport has an opportunity to review and comment on the proposed revisions.

- From Millard W. Tong, President, Millard Tong Construction Company, thanking Director Mickins for his work, regretting that he is retiring, and stating, "If it wasn't for the Human Rgihts Commission, I would not be where I am today."

- From Mr. Tong, to HRC Contract Compliance Representative Linda Chin, informing that his status as a certified MBE by the HRC helped him obtain a subcontract with the Redevelopment Agency, and thanking her and the HRC staff for their work in this area.

- From State Senator Quentin L. Kopp, a personal letter to Director Mickins congratulating him on his long career of public service, and expressing good wishes for his future.

- From John Doherty, Vice President and General Manager, Perini Corporation, and Chairman, San Francisco District, Associated General Contractors of California. Citing four points of clarification that "must be addressed" in the March, 1988 draft of the revisions (adopted by the HRC at its regular meeting of March 24, 1988) of the Human Rights Commission-Affirmative Action Program for Construction Contracts. Messers Thomas E. Thompson, the AGCC San Francisco District Manager, and John J. Casey, member of the AGCC Board of Directors, made formal presentations to the HRC on March 24 at the HRC regular meeting. Mr. Doherty wrote that the AGC will in the future require, in order to "assist the HRC Rights Commission": a. adequate lead-time; b. constructive two-way dialogue; and c. a cooperative atmosphere between the Human Rights Commission, City staff, and the AGCC.

- From John L. Taylor, Clerk of the Board of Supervisors, a letter to Director Mickins and to Marvin Geistlinger, Director, Purchasing Department, transmitting a copy of a draft resolution calling on City departments to take steps to eliminate or minimize inflation in the cost of Ctiy contracts, and asking that the HRC review, comment, and/or make recommendations. The draft copy of the proposed Resolution has, as a final resolve, wording that the Mayor request all departments to insure "...that all future contracts and leases contain escape clauses or provisions allowing for renegotiation of rates under circumstances where the City faces deficits."

DIRECTOR'S REPORT

- Proposed Legislation Authorizing the HRC to Review all Contracts Subject to Chapter 12B for Compliance Prior to Award.

The legislation referred to, File No. 97-88-19, is proposed by Supervisor Richard Hongisto, as a followup to an earlier bill, which he also introduced, which added Section 6.55 to Chapter 6 of the San Francisco Administrative Code with the same title. That legislation was passed by the Board of Supervisors on July 2, 1987. After HRC study, it adopted, at its meeting of November 12, 1987, Rules of Procedure for Enforcement of Section 6.55. These Guidelines included the statement that the HRC would review all contracts prior to award where the cost of the contract is $10,000 or more unless this review is waived in writing by the HRC.

Subsequently, Mr. Mickins reported, as the HRC began to meet with City departments to advise them on how to implement this legislation, Don Hesse of the HRC staff discovered that the legislation covered only public works and improvements projects, but not goods, services, consulting, and other areas, as specifically stated in Section 6.55. The City Attorney's Office draft of the legislation, had, therefore, failed to cover all contracts.

As background, Mr. Mickins stated that the passage of the original legislation grew out of concerns of Supervisor Hongisto about the award of a $123 million contract by the City to Oakland Scavenger Company for solid-waste disposal from San Francisco for a fifteen year period. It was learned that that that contract, which came before the Board in December 1986, had not been reviewed by the HRC. The Supervisor also learned that the firm obtaining this contract had been accused of racial discrimination and that a case was underway in federal District Court. The case ultimately was decided against the company, Mr. Mickins said, and the HRC has been conducting and in-depth review of the situation. The HRC advised Supervisor Hongisto that his first legislative intent to have the HRC review all City contracts would not be possible in terms of staff and time availability. The Supervisor has, therefore, obtained a new draft of the legislation from the City Attorney's Office, and resubmitted it to the Board for adoption. The new legislation states that the HRC should review contracts subject to Chapter 12B (not Section 6.55) of the City Administrative Code.

The Communications section of these Minutes refers to the Department Assessment of Proposed Legislation submitted to the Mayor by the HRC, showing, among other points, the fiscal and administrative impact the legislation would have on the HRC. The HRC responded that it would require two full-time HRC Compliance Representatives and one Clerical Support for a total of $117,878 in wages and benefits. Administratively, it would require additional workloads for most professional staff, establishment of moe detailed liaison with City contracting departments, and substantially increase contract processing and document storage.

Currently, he reported, the legislation is before the Human Services Committee of the Board of Supervisors.

Mr. Mickins recommended, in his formal Assessment, that the legislation be approved, but with a provision that the HRC would determine which limits, and the level of contracts subject to review, and that at least some level of (increased) staff support be provided.

- Recommendation of Director in case of Carl D. Washington, Complainant, vs. Malaco International, Inc., et al., Respondents.

Mr. Mickins called attention to a Background Memorandum giving the chronological progress of this complaint case from its filing May 30, 1986 to the present that was provided in Commissioner packets. Here, verbatim, as prepared by Vicky Zimpel of the HRC staff, is that Memorandum:

" Background

Carl D. Washington of the Freedom Investment Company filed a Protest and complaint with the HRC on May 30, 1986, in connection with bids opened May 16, 1986 by the Purchasing Department on a contract to supply diesel fuel for the Municipal Railway. Mr. Washington challenged award of this contract to Malaco International, Inc. Vicky Zimpel, an HRC staff Coordinator, did an investigation of Mr. Washington's complaint. Director Grant Mickins issued a Director's Finding October 6, 1986, amended on December 31, 1986, to the effect that Malaco International, Inc., was "..in willful or bad faith Noncompliance...and was, therefore, ineligible to receive the ...contract." Further Malaco was disqualified as a bidder on any City project for one year and assessed liquidated damages of $397,000.

" Malaco International, Inc. appealed the Director's Finding and a Show Cause appeal hearing was held in February, 1987. Ms. Caryl Mezey, the Hearing Officer, issued her Recommended Determination to the Human Rights Commission on March 10, 1987. The Determination recommended that the HRC reverse the Director's Finding.

" The HRC held an Appeal Hearing to consider the Director's Finding and Recommended Determination of the Hearing Officer on May 14, 1987. A continuation of the Appeal Hearing was held on June 4, 1987. There was no majority vote by the HRC at the June 4 hearing to reverse the Director's Finding of Noncompliance against Malaco, but it did modify the Director's Determination sanctions of liquidated damages of $397,000 against Malaco.

" Malaco filed a petition for a Writ of Mandamus from the Superior Court and asked for a stay. The stay was issued by June 9 by the Court.

" On September 2, 1987, Superior Court Judge Lucy Kelly McCabe issued a Peremptory Writ of Mandamus, "...requiring the (HRC) to set aside its decision leaving in effect the Finding of the Director (of) October 6, 1986..." and "restoring Malaco to the status of an eligible MBE/LBE bidder for City contracts."

" At its regular meeting on October 8, 1987, the HRC voted to set aside the Director's October 6, 1986 Finding against Malaco and restore Malaco to the status of an eligible MBE/LBE bidder for City contracts. It further voted at its regular meeting on October 22, 1987 to refer the Malaco complaint back to the Director to reinvestigate and submit any further evidence in support of the charge. A City Attorney's investigator was assigned to track and produce by all legal means possible, key witnesses in the case who did not originally appear before the HRC's Appeal Hearing Officer.

" Current Status

The HRC requested that the City Attorney's Office obtain a deposition under penalty of perjury from four key witnesses in the case, including the most vital witness to the case, Mr. James Lawrence. The request was made on January 28, 1988. The City Attorney's Office informed HRC in a February 24, 1988 Memorandum that HRC's subpoena power does not reach one of these key witnesses, Mr. Lawrence, who lives in Hawaii. In effect, Chapter 12D does not provide a procedure for deposing witnesses or parties out of state. In addition, the investigator assigned by the City Attorney's Office to the Malaco case who talked on the phone with Mr. Lawrence indicates that Mr. Lawrence now denies his account of the events as allegedly described to Mr. Washington and Ms. Zimpel."

Mr. Mickins recommended that, in view of the facts of the above chronology, the HRC move to dismiss this case.

He stated, however, that by an oversight, the original complainant, Carl D. Washington, had not been notified of this recommendation nor of its appearance on the agenda for this April 28 regular HRC meeting. Mr. Mickins did say that Mr. Manuel Llama, President of Malaco International, Inc., had been so advised in advance. Mr. Llama was present at this meeting.

Commissioner Morrissey asked if Mr. Washington had wished to be present.

Mr. Mickins said that Mr. Washington had not been notified of this April 28 agenda item, but that as Director he was satisfied that all stated conditions and directions given him by the HRC and by the Superior Court had been met with respect to pursuing the matter in a fair and impartial manner.

Ms. Claudia Huttner, attorney, representing Malaco International, Inc., stated that one concern her client has immediately is that a two-year Municipal Railway contract bid (Malaco sells diesel fuel) comes up on "about a week", and she said that though Mr. Malaco has been able to continue in business, in fairness to him and his firm, the matter should be concluded and his name "cleared up." She reminded that the issue had been in dispute for nearly two years.

Mr. Mickins also reported that Mr. Washington had not appeared at the scheduled hearings on the complaint case, and he had been advised of it.

Commissioner Morrissey continued to press his point that based on all the facts, and on the fact that Mr. Washington had not appeared in the past, he felt that the HRC had the authority to act on the recommendation, but not on a conditional basis, as the Malaco attorney had seemed to suggest.

The Director said that Malaco has been restored fully as an eligible bidder, reinforced by the Superior Court order, and he said he personally could not see how Malaco could be harmed in that current status.

Mr. Huttner said that the uncertainty lingers in the business and City contracting community if Malaco has been finally cleared, with "unresolved issues" still hanging over the matter. She also said she questioned what Mr. Washington could say one way or the other, if the HRC and the Director had done the things required, e.g., conducted further investigation, taken and attempted to take further depositions, etc., that could continue the complaint. And she said if the issue were not resolved if Mr. Washington did not want it resolved.

Mr. Mickins said that Mr. Washington has been advised that he is eligible to submit additional information if such exists. But apart from his original allegations at the filing of the complaint, he has made no further comments. He noted that a key witness, James Lawrence, in Hawaii, had denied (in conversation with the City Attorney) Mr. Washington's original allegations. Ms. Huttner, said, "We weren't aware of that." And he noted the further complication of the jurisdictional limit to the HRC's subpoena power (that is, it could not subpoena Mr. Lawrence in Hawaii).

Commissioner Martin said that technically, if Mr. Washington has not been formally notified of today's agenda item in advance, the HRC could not act without having both parties to the complaint notified properly.

Commissioner Yamakawa then recommended that the HRC remand the case to the Director, who, if he recommended dismissal, would notify Mr. Washington of his right to appeal. But in the interim, the Malaco firm would be relieved.

In consideration of the fact that this remanding had been the action of October of 1987, the Commissioner said that Mr. Mickins is then enpowered to dismiss the complaint case, and inform Mr. Washington that he has the right to appeal.

After further comment from Commissioner San Jule,

it was

* * * * m/s/c that the HRC authorize the Director to advise Carl D. Washington of his decision to dismiss, and to advise him he may appeal if he wishes. The case was considered dismissed as of April 28, 1988.

- HRC Budget Status

The HRC has met one more time with the Mayor on the City's efforts to deal with the anticipated budget deficit, with a projected 10% to 20% cut asked of various City departments. The HRC has been able to cut some $28,000 in nonpersonnel items. It is expected that the HRC will know from the Mayor what will be demanded of it by the first week in May.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner Larry Martin - Co-Chairperson

- Committee Report

At the Committee meeting of April 20, the Director explained budget reduction proposals to the Mayor's Office at the levels of 20%, 15%, and 10% of the HRC's General Fund budget. The HRC's Fiscal Year 1987-88 General Fund budget is approximately $1.29 million.

Confirmation of Appointment of the Interim Director

In Executive Session, the Committee confirmed the appointment of Frank V. Anderson as Interim Director.

Appointed to serve on the committee to begin procedures for selecting a new Director to succeed Mr. Mickins, (whose resignation becomes formally effective July 1, but who leaves active duty with the HRC as of May 13) were: Commissioners Bennett, Fernandez, Martin, San Jule and Suncin.

- At the suggestion of Commissioner Chung at this meeting, Commissioner Yamakawa was asked to join this group.

The group was to meet following this April 28 HRC meeting. Its first task would be to obtain updated job specifications for the position of HRC Director (called Executive Secretary in Chapter 12A, the HRC's 1964 enabling ordinance, sometimes called Executive Director, but most generally, Director).

- Commissioner Martin announced that there will be a luncheon sponsored by the Friends of the HRC, of Commissioners and staff, honoring Mr. Mickins on May 12, following the regular HRC meeting, which will be the last of his active service as Director. A reception honoring him will be given sometime in early June.

There followed some discussion among the Commissioners about the assigned duties of the initial group of Commissioners, and those that will be carried out by the full Administrative Committee.

It was

* * * * m/s/c that the HRC accept the report of the Administrative Committee.

- Commissioner San Jule reported that she has a new grandson.

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioners Rosemarie Fernandez and Joan San Jule,
Co-Chairpersons

- Coalition for Civil Rights Press Conference - Frank Anderson, Coordinator. Mr. Anderson read from a Memorandum he wrote for the HRC:

The Coalition for Civil Rights is a multi-racial organization comprised of twenty-seven organizations representing Women, Blacks, Latinos, Asians, and Whites committed to fully desegregate all areas of society, including business and contracting.

This Coalition of Bay Area-based minority and women-owned businesses and civil rights organizations, held a press conference Thursday, April 21, 1988, to announce the filing of an amici curiae brief with the United States Supreme Courts. This filing was done in support of a Richmond, Virginia case being argued before the U.S. Supreme Court.

The case pending before the U.S. Supreme Court (City of Richmond v. J.A. Croson Co.) involves an attempt by the City of Richmond, Virginia, to include minority-owned businesses in awarding public construction contracts. Like San Francsico, Richmond had a history of not doing business with minority and women-owned firms. The Court's decision in the Richmond, Virginia case may have a direct bearing upon the validity of the MBE/WBE/LBE Ordinance adopted in San Francisco in 1984. The Coalition filed this support brief in the hope of ensuring the continuation of the enforcement of San Francisco's Minority/Women Local Business Ordinance.

Organizations participating in the support of the amici curiae for the appellant are:

ALPHA KAPPA ALPHA SORORITY; COALITION FOR CIVIL RIGHTS; COALITION FOR ECONOMIC EQUITY; COUNCIL OF ASIAN-AMERICAN BUSINESS ASSOCIATION; GOLDEN GATE SECTION OF THE SOCIETY OF WOMEN ENGINEERS; HISPANIC CHAMBER OF COMMERCE, SAN FRANCISCO; KAPPA ALPHA PSI FRATERNITY; NATIONAL BAR ASSOCIATION; SAN FRANCISCO BLACK CHAMBER OF COMMERCE; WESTERN REGION-NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP); AILEEN HERNANDEZ ASSOCIATES; AMERICAN PROPERTY EXCHANGE; CASA SANCHEZ; CORY GIN, ASSOCIATES; INTERSTATE PARKING COMPANY, INC.; JEAN PIERRE AND COMPANY; JEFFERSON AND ASSOCIATES; McCLAIN AND WOO; NAOMI GRAY ASSOCIATES, INC.; PEGASUS ENGINEERING, INC.; SELWYN WHITEHEAD ENTERPRISES

ATTORNEYS FOR AMICI

Eva Jefferson Paterson*

San Francisco Lawyers'
Committee for Urban Affairs

Edwin M. Lee
William Tamayo

Asian Law Caucus

Robert L. Harris

Charles Houston Bar
Association

William C. McNeill, III

Employment Law Center

Judith Jurtz
Shauna Marshall

Equal Rights Advocates

Al Borvice

Hispanic Chamber of Commerce

Nathaniel Colley

Western Region-NAACP

*Attorney of Record

In addition, the City and County of San Francisco via the City Attorney also filed an amicus curiae with the U.S. Supreme Court in this matter, supporting the program. Attorneys for Amicus Curiae for the City and County of San Francisco are:

Louise H. Renne,*
City Attorney

Dennis Aftergut,
Chief Assistant Ctiy Attorney

Burk E. Delventhal
Mara E. Rosales-Cordova
Deputy Ctiy Attorneys

*Counsel of Record

Mr. Anderson said that the press conference was also attended by the Director, himself, Veronica Ng, Richrd Norton, and Zula Jones representing the HRC staff.

He said he had seen nothing in the print media about the conference though it was attended by the press.

It was

* * * * m/s/c to accept Mr. Anderson's report.

- Commissioner San Jule said she and Commissioner Fernandez would be attending the next meeting of the Coalition for Civil Rights on May 10.

LESBIAN/GAY ADVISORY

Commissioner Alan Bennett, Acting Chairperson

- Letter of Support re: Olympics

This item was postponed to a future HRC regular meeting.

YOUTH AND EDUCATION

Commissioner John C. Morrissey, Co-Chairperson

- Committee Report

The Committee met April 21 and discussed the following items:

1. School Leavers and Suspensions An ad hoc subcommittee met with Superintendent of Schools Ramon Cortines to discuss information on school leavers and suspensions. More information was provided by the Superintendent subsequently, and a followup meeting between him and the full Committee will be held May 5. The ad hoc group will meet with the Superintendent once more prior to the May 5 discussion.

2. Special Education Programs These are programs in the San Francisco Unified School District for the deaf, blind, and otherwise handicapped students. Susan Kwock, Program Director of the Department of Special Education, and Pat Napolielli, Chair of the Special Education Advisory Committee, will meet with the Committee on June 16 to discuss Special Education. There are concerns about the impact of these programs

on minority students, and the grouping of children with different diagnoses in the same class.

NEW MATTERS

- Commendation Letter to Frank Quinn

Frank Anderson represented the HRC at the Mayor's swearing-in ceremonies for his new appointees to the Fire Commission, including Frank Quinn, first Director of the HRC. At Mr. Anderson's suggestion, it was

* * * * m/s/c that the HRC write Mr. Quinn to commend him and his fellow appointees and to offer the HRC's support for their work.

- Composition of Committees

A privileged communication has been received by the Director from the City Attorney regarding the composition of committees and who may sit on them with respect to conflicts of interest,(particularly the MBE/WBE/LBE Community Advisory Committee). Mr. Mickins said he will mail Commissioners copies of this confidential memorandum at a later date and that it should go the Administrative Committee for review.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, May 12, 1988 at 9 AM in Room 1200 of the State Building, 350 McAllister.

The luncheon honoring Mr. Mickins on his retirement from active service will follow the regular meeting May 12. Commissioner Jung will host this luncheon.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, April 20, 1988 4PM - Room 509 - HRC Offices 1095 Market Street, Suite 501
AD HOC COMMITTEE ON AIDS	To be announced
EMPLOYMENT	Thursday, May 5, 1988 - 1850 Mission Street
MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE	To be announced
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, May 5, 1988 3:30PM - Room 1200 350 McAllister State Building

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:jy
[CORR3] HRC/Min.4/28/88

SF
H80
2
28/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting ~~of April 28,~~ 1988 May 12
Room 1200 State Building
9 AM - 350 McAllister

DOCUMENTS DEPT.
MAY 26 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, May 26, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center

1. ROLL CALL

* It must be noted here that the meeting was bifurcated. The first session was held from 9:00 A.M. to 10:00 A.M. in the State Building. The following Commissioners were present:

Samuel Chung, Joe Jung, Larry Martin, George Suncin and Joan San Jule. Because of a lack of quorum, the meeting was recessed until 11:30 A.M. at Cloisonne Restaurant. Prior to the luncheon honoring Director Grant Mickin's retirement, the meeting was resumed with the following commissioners present:

Allen Bennett, Rosemarie Fernandez, Michael Hardeman, Larry Martin, George Suncin and Commissioner Joan San Jule.

A quorum was then present and action was taken on tabled items.

Excused: Commissioner Corrine Lee, Commissioner John Morrissey, Commissioner Nicerita Revelo, Commissioner David Yamakawa,Jr.

Staff Present: Director Grant Mickins, Frank Anderson, Linda Chin, Ed Ilumin, Veronica Ng, Norm Nickens, Dick Norton, Clemente Obregon, Mary Gin Starkweather, Gary Wong, Vicky Zimpel.

2. There was no Pledge of Allegiance.

3. Minutes of the Meeting of April 28, 1988.

- Frank Anderson wished to correct an item under Calendar Matters on page 9.
  "The Luncheon honoring Director Mickins is being held under the auspices of the Friends of the Human Rights Commission and will be hosted by the HRC Staff and Commissioners."

- On page 5, paragraph 5 should read "Ms. Huttner..." not "Mr. Huttner..."

  This item was tabled until the Commission reconvened with a quorum at which time it was *** m/s/c that the minutes be adopted as amended.

4. Communications

- From Mayor Agnos to Grant S. Mickins, a letter dated May 5, 1988, expressing regret over Director Mickins' resignation. A copy of the entire letter is attached to these minutes.

- From Mayor Agnos and Rudy Nothenberg, to all department heads, a letter regarding procedures for the City to take positions on State legislation.

- From L.A. Turpen, Director of Airports, to Grant Mickins, a letter dated April 21, 1988, regarding the revisions of the HRC Affirmative Action Program for Construction Contracts.

- From Jim Morales, Staff Attorney for the National Center for Youth Law to Ed Ilumin, HRC Housing Officer, a letter dated May 9, 1988, regarding the HRC report on child discrimination complaints.

- From John J. Walsh to all appointing officers a memo dated May 10, 1988 regarding Lay-off notices.

- From Louise Renne, City Attorney to all Boards and Commissions, a memo dated May 9, 1988, regarding free tickets or passes/conflict of interest.

- From Truman Ware, Chairman of the North American Indian Alcatraz Project to Grant Mickins, a letter dated May 7, 1988 regarding the proposal to build a casino on Alcatraz Island.

- From Chris R. Aranda, Project Director of INDEX, to Commissioner George Suncin, a letter dated May 2, 1988, describing a project to develop a "Guide to Contracting: Linking Minority and Women Enterprises with California Public Utilities and Government Agencies."

5. There was no Chairpersons Report.

6. Director's Report -

Director Mickins stated that he expects the agency to continue functioning as usual. The main concern is the budget. Mayor Agnos outlined the following current scenario: 389 people will be laid off and the Police Department, Fire Department and Muni will be most impacted. Another plan will be presented within 2 weeks. Departments who have been notified that they must lay-off people must prepare notices by May 20. The HRC has not been notified that it will need to lay anyone off. However, the HRC may be affected by "bumping" from other departments especially in the clerical classes.

Propositions B and K, if not passed, will affect the budget and further revisions regarding cuts will be made.

7. Standing Committees:

Administrative: Commissioner Larry Martin - Chairperson

1. Resolution of Commendation and Thanks to Grant S. Mickins on His Retirement as Director of the HRC.
The Resolution was read in toto and tabled until the Commission reconvened. When a quorum was present it was *** m/s/c unanimously that the resolution be adopted. A copy of the resolution is attached to these minutes.

- Mr. Frank Anderson then spoke on behalf of the entire HRC staff, saluting Director Mickins.

His remarks follow verbatim: "On behalf of the staff I would like to say a few words. As staff, we are here today to salute Grant Mickins as our director and as a pacesetter in the field of human rights. Grant has provided the San Francisco community with unparallelled service while bringing our community closer together. As director, he has been our coach, teacher and inspiration. His courage, determination, integrity and talents are unmatched. Grant has opened doors that were once closed, but are now opened. He has helped make a difference and we are all the better for it. May Grant's next years be as rich and rewarding as the years past.

Staff, please join me in giving Grant Mickins a standing ovation for a job well done."

2. Report of Personnel Search Committee re: Recruitment of New HRC Director.

A draft job description was presented to the Commissioners. Commissioner Martin then detailed the following timetable for the selection of the new director:

- The final job announcement will be issued May 20, 1988 and the closing date for acceptance of applications will be June 10.
- The screening committee will meet June 11 at 10:00 A.M.
- Interview dates will be June 16 and 17 beginning at 9:00 A.M.
- The decision-making process will be finished June 20 and proposed candidates' names presented to the Administrative Committee on June 22 at 12 Noon.
- The Administrative Committee will present its proposed names to the full commission on June 23.
- The Commission will notify the Mayor's Office of its choice by June 24.
- It is anticipated that the new director will assume duties in July 1988.

This item was tabled until the Commission reconvened at which time Commissioner Martin recapped the schedule. It was *** m/s/c that the job announcements and schedule be adopted for recruitment and selection of #2986, Director, Human Rights Commission.

Lesbian Gay Advisory Committee

Commissioner Allen B. Bennett, Chairperson

Mr. Norman Nickens, HRC Representative presented a letter to Mayor Agnos "supporting the Mayor's position on the Olympics dispute and Proposition M... which would bar the City from placing non-discrimination provisions on any future Olympic bid."

It was motioned and seconded to send the letter.

During the discussion, Commissioner Hardeman expressed concern over the portion of the letter which states"... we do applaud your position taken in opposition to Proposition M. He and Commissioner Fernandez felt it was inappropriate for the HRC to take any position on a ballot proposition and wished to have the letter rewritten so that the HRC's philosphy of non-discrimination is maintained without a perceived opposition to the propostion.

The previous motion was recinded and it was *** m/s/c that the letter be referred to the Administrative Committee to be rewritten.

- Mr. Nickens also announced that as of July 1, 1988 he will be the sole staff of the Lesbian/Gay Unit.

Eileen Gillis is resigning and Jackie Winnow is on an extended leave of absence.

8. There were no new matters.

9. Calendar Matters

The next regularly scheduled meeting of the Human Rights Commission will be held:

DATE: Thursday, May 26, 1988
TIME: 9:00 A.M.
PLACE: Room 1200
State Building

Standing Committees:

Administrative - June 22, 1988
Time: 12:00 (Noon)
1095 Market St., #501

Employment - Thursday, June 2, 1988
1850 Mission St.
San Francisco, CA

Housing - To be announced.

Social Issues/Police Liaison - To be announced.

Youth and Education - Thursday, June 16, 1988
State Building, Rm. 1200

10. There were no remarks from the audience.

11. The meeting adjourned at 12:00 Noon.

FA:MGS:np
[HRC/Min]CORR3
5/19/88

Office of the Mayor
San Francisco

ART AGNOS

May 5, 1988

Mr. Grant S. Mickins, Director
San Francisco Human Rights Commission
1095 Market Street, Suite 501
San Francisco, California 94103

Dear Grant:

I am writing to let you know my regret over your decision to resign as executive director of the Human Rights Commission effective July 1, 1988.

Your service as executive director for the last 13 years has been one of distinction, dedication and dignity. San Francisco is indeed losing a champion for the Human Rights of all of our citizens.

Yours has certainly been an extremely difficult task and your ability to work with so many diverse groups and competing interests to find a common ground is inspiring.

I am hopeful that I will be able to call on you for your advice and guidance as we prepare to move the commission forward under new leadership. It is my understanding that the commission has approved your recommendation of Mr. Frank Anderson as interim director and I concur in that decision. By separate letter I will be asking that a job announcement be prepared and a screening committee formed so that we can move as quickly as possible toward the difficult task of filing your shoes.

You have my gratitude, my best wishes and perhaps even my envy for the restful days which lie ahead.

Sincerely,

ART AGNOS

AA/ctela

200 CITY HALL, SAN FRANCISCO, CALIFORNIA 94102
(415) 554-6141

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF COMMENDATION AND THANKS TO GRANT S. MICKINS ON HIS RETIREMENT AS DIRECTOR OF THE HUMAN RIGHTS COMMISSION,

WHEREAS, Grant S. Mickins has announced his retirement after 35 years of public service to the City and County of San Francisco; and

WHEREAS, Grant S. Mickins gave 15 years of this service to the Human Rights Commission, first as Coordinator of Employment from 1970 to 1972, and lastly as Director, from July, 1975 to July, 1988; and

WHEREAS, Grant S. Mickins has presided over significant changes and developments in the promotion of equal opportunity and nondiscrimination through the mandate of the Human Rights Commission with great skill and dedication; and

WHEREAS, he has enhanced the HRC's position as a strong advocate of peaceful social change, and, in particular, sensitivity and responsiveness to the legitimate concerns of the diversified communities in the City and County; and

WHEREAS, Grant S. Mickins has exercised the greatest of tactful diplomacy and expertise as mediator, negotiator, and exponent of understanding and cooperation in all his dealings; and

WHEREAS, the HRC's precedent-setting expansion into not only dispute resolution but, significantly, into contracting opportunity for minority and women-owned firms doing business with the City and County was directed by him; and

WHEREAS, in all his dealings with the private and public sector, with labor, management, community, and human rights commissions elsewhere in the State and nation, Grant S. Mickins has established an enviable reputation for fairness, probity, dependability, and imagination;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission of the City and County of San Francisco and its staff, join in extending profound gratitude and commendation to Grant S. Mickins upon his retirement.

Resolution #2-88
Adopted by the HRC on 5/12/88
[Reso]GSM2-pa

5) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

SF
180
2
26/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 26, 1988
Room 1200, State Building
9 AM 350 McAllister

DOCUMENTS DEPT.
JUN 6 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, June 9, 1988
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister Street

ROLL CALL

Commissioners

Present: George Suncin (Presiding), Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, John C. Morrissey, Joan San Jule, David Yamakawa.

Excused: Corrine Lee, Larry Martin, Nicerita Revelo.

Staff:

Present: Frank Anderson, Jack Casford, James Fields, Norm Nickens, Richard Norton, Gail Roberts, Carmen Smith, Mary Gin Starkweather, Pansy Ponzio Waller, Gary Wong, Vicky Zimpel.

Mary Baker, observer from the League of Women Voters

Sara Tuttle, Director, Women In Apprenticeship

James Goode, affiliation not given.

There was no Pledge of Allegiance as the meeting room does not provide a Flag.

The Minutes of the Meeting of May 12, 1988 were approved, noting that they were inadvertently headed as being the Minutes of April 28, 1988, and, on the suggestion of Commissioner Morrissey, that in paragraph 3. Minutes of the Meeting of April 28, 1988, Frank Anderson had requested that an item under Calendar Matters on Page 9 should have read: "The luncheon honoring Director Mickins is being held under the auspices of the Friends of the Human Rights Commission and will be hosted by the HRC Staff and Commissioners."

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board of Supervisors', a Memorandum of April 28, a schedule for public hearings by the Board of Supervisor's Finance Committee on the budgets of various departments. The HRC is be on the agenda for the Public Hearing of June 16, 1988 at 1:30 P.M.

- From John J. Walsh, General Manager, Personnel, a Memorandum of May 9, 1988 forwarding a Civil Service Commission Policy statement prohibiting discrimination in employment on the basis of acquired immune deficiency syndrome (AIDS), acquired immune deficiency syndrome related complex (ARC), human immuno-deficiency virus infection (HIV) or any medical signs of symptoms related thereto. The Policy Statement was adopted by the CSC May 2, 1988. The Memorandum urged all City Departments and Commissions to review the policy and its provisions and adopt it or similar statements. The CSC further urged that appropriate steps be taken to educate employees on the nondiscrimination provisions of the policy and to implement education programs on AIDS, ARC and HIV infection.

- From certain unnamed members of the staff of James Lick Middle School in San Francisco, a copy of a Mailgram sent to Dr. Sodonia Wilson of the Board of Education, requesting a formal investigation..."because of the

many irregularities in the hiring procedure at James Lick Middle School." See Interim Director's Report below in these Minutes.

_ From John Doherty, Vice President and General Manager, Perini Corporation, San Francisco District Chairman, Associated General Contractors of California, (with copies to Mayor Agnos and Chief Administrative Officer Rudy Nothenberg), a detailed letter specifying the Association's objections to the HRC's revised Affirmative Action Program for Construction. This Program was discussed at the regular March 24, 1988 meeting of the HRC, at which time the AGCC's views were presented by Thomas E. Thompson, San Francisco District Manager, and John J. Casey, a member of the AGCC Board of Directors. The AGCC at that time made seven recommendations, and the presenter, Mr. Thompson, was asked by Chairperson Suncin to send them to the HRC in writing.

- From the Clerk of the Board of Supervisors, an Intra-Office Memorandum of May 17, 1988 giving the schedule of deadlines for City Departments to submit supplemental appropriation requests.

- From the San Francisco Housing Authority, a news release giving the schedule of the Housing Authority's Fiftieth Year Anniversary events, including dedication of apartments named for HRC member Joan San Jule, at 1 PM, May 26, 1988. See Interim Director's a Remarks below in these Minutes.

- From Gene E. Suttle, Deputy Executive Director, Community Services and Administration, San Francisco Redevelopment Agency, announcing that the Agency at its regular meeting of May 3, 1988 adopted a resolution establishing the MBE/WBE goals of 15%/3% and MBE/WBE set-asides of 10%/2% for 1988 contract awards, and attaching a copy of the Agency Commission Memorandum and Resolution.

- From the Clerk of the Board, a general announcement of the schedules of date for consideration of Charter Amendments and Bond Issues next November.

NO REPORT OF THE CHAIRPERSON

INTERIM DIRECTOR'S REPORT

- Frank Anderson, Interim Director, stated that since Grant Mickins' final HRC regular meeting May 12 as Director (his retirement becomes official formally on July 1, 1988), businesses has gone on as usual.

Commenting on several items in the Communications, Interim Director Anderson reported:

1. That the HRC staff is looking into the charge of "hiring procedure irregularities" at James Lick Middle School as brought by the school staff Mailgram.

And cited:

2. The Associated General Contractors of California letter as a followup, (as stated above) to its appearance before the HRC at its regular meeting March 24, 1988 regarding the HRC's revised Affirmative Action Program for Construction, and

3. The Redevelopment Agency letter announcing its adoption of MBE/WBE contract dollar goals and set-asides.

He said that there have been a number of staff meetings, and that there has been some reorganization and realignment of project areas. He said staff had been very supportive of him.

Mr. Anderson reported on these specific items:

1. He attended a May 25 meeting of the Coalition for Economic Equity, at which major discussion points were: the selection of the permanent post of Director of the HRC as a consequence of the retirement of Grant Mickins, 2. the "new focus" for the HRC, and 3. continued Coalition support for the creation of a separate City-funded Office of Contract Compliance. Mr. Anderson said there was "spirited discussion" on all these points, and that specific ideas were forthcoming on them. He asked that he be able to discuss this matter at the next Administrative Committee meeting.

Mr. Claude Everhart, Executive Deputy Mayor, who had been scheduled to be the main speaker at this meeting, was unable to be present.

2. The Eugene B. Block Journalism Awards an annual event co-sponsored by the Friends of the Human Rights Commission and the Council for Civic Unity, were presented, for "Outstanding Contributions to Social Justice and Human Rights" to 13 persons in eight categories (radio, television, public service, newspaper, column, etc). on May 24, 1988, in the Shaklee Corporation Board Room, 444 Market Street, San Francisco.

These cash awards, made annually since 1980 are made possible by generous personal donations from the late Mr. Block and others. Eugene B. Block, who died in 1987 at the age of 97, was a legendary figure in San Francisco journalism and human and civil rights sectors. He was for many years the Director of the Council for Civic Unity, a metropolitan newspaper editor, first Director of the Jewish Community Relations Council, and long a champion of the Human Rights Commission. He wrote seixteen books on subjects ranging from capital punishment to treatment service for youth.

Commissioner San Jule was one of the presenters of the awards. Jane Morrison is President of the Friends of the Human Rights Commission.

Mr. Anderson read the following winners' names:

Radio Documentary: MIKE SUGERMAN, KCBS RADIO 74
"No Place Like Home-Children of the Homeless"

Television News: ANNA CHAVEZ AND LAURA COVERSON, KGO -TV 7
Series of Reports: "The Constitutional Challenge"

Radio Editorials: NICHOLAS DELUCA, KCBS RADIO 74

Radio Public Service Programming: GIMMY PARK LI, KNBR RADIO 68
Series on Homeless & Two-Week AIDS Information Campaign

Television Documentary: KEN ELLIS, BETSY MATSON, KERIS SALMON
KQED-TV 9 EXPRESS: Disabled Rights

Public Service Activity: PHILLIP CHAN, SINO BROADCASTING CORP.
Radiothon/Telethon for Chinese Newcomers Service Center

Community Newspaper: WILL SNYDER,BAY AREA REPORTER
Articles on Gay/Lesbian Concerns

Community Newspaper: PATRICK ANDERSEN, ASIAN WEEK
Series on Presidential Candidates' Promises to Asian Americans

Newspaper Column: IDA STRICKLAND, SUN REPORTER - Frankly Speaking

Newspaper Column: WILLIAM WONG, EAST/WEST NEWS - Yellow Pearls

3. Filipino-American Political Association Suit v. City and County of San Francisco/Civil Service Commission in re: Allegations of Discriminatory Employment Policies. Ms. Helen Bautista, Vice-President, Filipino-American Women's League, appeared at the HRC meeting April 14, 1988 and distributed copies of this class-action suit. Chairperso Suncin referred her request for HRC support for the lawsuit to the Director for a recommendation on HRC response. Mr. Anderson announced that Supervisor John Molinari has introduced legislation originally entitled Filipino-American Informational and Whistle-Blower Program, now called, after a Governmental Operations Committee meeting May 24, the Discrimination Information and Whistle-Blower Program, to address Civil Service Commission employment policies affecting all ethnic groups in the City. The HRC was represented by Carmen Smith, staff, at the Committee meeting.

4. Honor by Housing Authority to Commissioner Joan San Jule. As noted in the Communications section of these Minutes, the Commissioner will be honored on May 26, 1988 at the dedication, at 1 PM, of a rehabilitated Victorian-style building for subsidized low-income housing to be called the Joan San Jule Apartments. The structure is at 1356-1371 Eddy Street. Commissioners joined in a congratulatory round of applause for their colleague.

STANDING COMMITTEES

ADMINISTRATIVE
Commissioner Larry Martin, Chairperson

- Recruitment of #2986 Director, HRC.

Reporting for Commisioner Martin, Mr. Anderson announced that packets of materials essential to the selection of a new permanent HRC Director have been widely-disseminated by the HRC Personnel Search Committee in the community. They include: a full description of the position: 2986 (the Civil Service Commission job classification number), Director, Human Rights Commission, as it is formally known, giving the description of the HRC, the responsibilities of the position, examples of duties, minimum requirements, and knowledge, abilities and skills desired to the person selected; a separate Employment Opportunity announcement, giving filing dates, date of examination, salary, etc; plus an Application form from the Civil Service Commission; plus an Application Supplement Instruction Sheet.

Mr. Anderson said there has been a substantial response thus far to these materials. Appplication submittals must be in by June 10 to:

City and County of San Francisco
HUMAN RIGHTS COMMISSION OF SAN FRANCISCO
Chair, Personnel Search Committee
1095 Market Street, Suite 501
San Francisco, CA. 94103

The office telephone is (415) 558-4901, where information and application packets can be obtained. June 16 and 17 are the examination dates, with exact date, time, and place to report being provided all qualified candidates. The Administrative Committee will review the recommendations of the Personnel Search Committee June 22, and the HRC will consider these recommendations at its regular meeting June 23. And June 24 is the date for HRC recommendations to be forwarded to the Office of the Mayor who makes the appointment. It is hoped to have the new Director named on or about July 1, 1988.

No recruitment for applicants beyond the dissemination of information about it is being done. The Personnel Search Committee will consider only those who make applications individually.

EMPLOYMENT

Commissioner David Yamakawa, Chairperson

- Recommended Resolution of Commendation for Richey Rice-Gore.

Ms. Rice-Gore, a veteran member of the HRC's Employment Committee since 1976, has resigned to take a new position as consultant for the California Apprenticeship Plan with the California State Division of Apprenticeship Standards. Gail Roberts of the HRC staff read a formal Resolution of Commendation, and it was then

****m/s/c that the Resolution Commendation of Richey Rice-Gore be adopted unanimously. The full text is attached to these Minutes. Ms. Rice-Gore was present, and expressed her thanks pleasure at being so honored. Ms. Roberts, in her introductory remarks, said that Ms. Rice-Gore represented the many members of the HRC's Standing Committees, who serve without compensation, and who are, she said, the "lifeblood" of these committees.

YOUTH AND EDUCATION

Commissioner John C. Morrissey, Chairperson

- Committee Report-Meeting of May 5, 1988 with San Francisco Unified School District Representatives. - Commissioner Morrissey

Pansy Ponzio Waller, staff to the Committee, had prepared a narrative account of the Committee's meeting with Superintendent Ramon Cortines, and members of his staff. Here, verbatim, is her account:

This brief summary is for informational purposes to highlight the educational issues discussed at the Youth and Education Committee Meeting on May 5, 1988.

Present at the meeting were representatives from the San Francisco Unified School District-: Superintendent Cortines, Anna Horta, Susan Kwock, Robert Harrington and Carlos Cornejo.

The information provided by the representatives focused mainly on issues affecting San Francisco youth in the School Distict.

An overview on the student dropout rate in public schools was presented by Superintendent Cortines.

Dr. Horta presented information regarding Senate Bill 65, the Pilot Program on Drop-outs. The program is in its second year of a five-year State-funded retention program. The program is located at McAteer, Wilson, James Lick, Visitation Valley, Fairmont, and E.R. Taylor schools, among others. Each school receives approximately $40,000 to provide such services as student dropout followup, hiring paraprofessionals, counseling, home visits, and tutoring.

A summary report on dropout rates and leave codes was presented to the Committee by Robert Harrington from the School District. He reported to the Committee that the dropout rates for Grades 1 through 12 from September 9, 1987, through April 1, 1988, was 4.2%. The total number of students defined as dropouts during that period was 3,118. The total number of dropouts for the same period of time last school year (86-87) was 3,133, a 4.3% dropout rate.

Commissioner Morrissey stated that the Committee was very pleased with the Superintendent's attention to the problems associated with dropouts.

Gail Roberts reported that the Committee has asked for further information on the Affirmative Action makeup of the School District employees,on the ethnic distribution of students in Special Education

programs, etc.

The meeting for June will focus on Special Education programs.

It was then

*****m/s/c that the HRC accept the Youth and Education Committee report.

NEW MATTERS

- Request for Authorization to Write Mayor Agnos Commending his Human Rights Position on the Issue of San Francisco Hosting the 1996 Olympic Games.-Commissioner Bennett

In November, 1982, the HRC wrote to the U.S. Olympic Committee to express its belief that its denial to sponsors of Gay Games to use the term "Olympic" in their title was discriminatory. Mayor Agnos has subsequently expressed a position on whether the City should commit public monies to be the official host city for the 1996 Olympic Games.

Commissioner Bennett at this meeting noted that the Lesbian/Gay Advisory Committee had postponed its originally-planned presentation on its recommended letter from the HRC's April 28, 1988 regular meeting, and submitted it for HRC approval at the May 12, 1988 regular HRC meeting, where it was referred to the Administrative Committee. The next meeting of that Committee is set for June 22. In view of that time-lag, therefore, he said they were asking for HRC consideration at this time (with two deletions of references earlier challenged).

Commissioner Yamakawa then expressed his concern thatfor the HRC to consider this recommendation action item at this time might violate the California Brown Act (Open Meeting Law), as amended in September of 1986, and as discussed in detail for City government by City Attorney Louise H. Renne in a December 10, 1986 memorandum.

Jack Casford of the HRC staff read from a copy of that memorandum (that the HRC maintains) a pertinent sentence: "The new law specifically provides "No action shall be taken on any item not appearing on the posted agenda."

Since the HRC had not been able to place the requested approval of the letter on its Agenda for this regular meeting May 26, the Chairperson asked that the request be remanded to the Administrative Committee.

Commissioner Bennett then withdrew his request for consideration and approval, and it will go to the Administrative Committee June 22, which may then recommend that it be placed on a subsequent HRC regular meeting Agenda.

- U.S. Census for 1990.

Commissioner Morrissey said that he had seen a newspaper item that stated that the U.S. Census for 1990 was intending to report all citizens from the Pacific Rim as "Asiatic", regardless if they were of Japanese, Chinese, Filipino, Korean, or other origin. He suggested that the HRC inquire into this.

- Housing and Urban Development Committee.

Chairperson Suncin asked that Co-Chairpersons Commissioner Chung and Jung convene a meeting of the Committee in the near future.

- Application Materials for Director Position

Richard Norton of the HRC staff announced that extra copies of these Application packets were available after this meeting and at the HRC offices, 1095 Market Street, Suite 501.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, June 9, 1988 at 9 AM in Room 1200 of the State Building in the Civic Center. Commissioners will be sent the confirmed schedule of regular meetings for the rest of calendar 1988.

STANDING COMMITTEE

ADMINISTRATIVE	Wednesday, June 22, 1988 Noon HRC Offices, 1095 Market Street, Room 509
EMPLOYMENT	Thursday, June 2, 1988 1850 Mission Street 9:30 AM
HOUSING AND URBAN DEVELOPMENT	To be announced
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, June 16, 1988 Room 1200, State Building 350 McAllister 3:30 PM

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Frank V. Anderson, Interim Director
via Jack Casford

FVA:JC:bclp
HRC Min. 5/26/88
[CORR3]

Attachment #1

ity and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION

COMMENDATION OF RICHEY RICE-GORE

WHEREAS, Richey Rice-Gore has been an active and dedicated member of the Human Rights Commission's Employment Committee since 1976; and

WHEREAS, Richey Rice-Gore has resigned from the Employment Committee to assume her responsibilities as Consultant for California Apprenticeship Plan with the California State Division of Apprenticeship Standards effective April 18, 1988; and

WHEREAS, Richey Rice-Gore has willingly served on the Employment Committee Subcommittees throughout the years including those on revision of the construction program, on non-traditional jobs for women, and strengthening provisions of the Non-Discrimination Ordinance; and

WHEREAS, Richey Rice-Gore has graciously given of herself and her resources to the HRC and to fellow Committee members; and

WHEREAS, Richey Rice-Gore has contributed to the work of the Employment Committee by her probing, unsightful questioning, by her thorough homework, and her extensive knowledge of employment issues; and

WHEREAS, Richey Rice-Gore has earned the abiding affection and respect of the Employment Committee and the HRC staff;

NOW, THEREFORE, BE IT RESOLVED, that Richey Rice-Gore be congratulated on the occasion of her appointment as Consultant for California Apprenticeship Plan with the California State Division of Apprenticeship Standards; and

BE IT FURTHER RESOLVED, that Richey Rice-Gore be commended for her years of conscientious and extraordinary service to the Human Rights Commission's Employment Committee; and

BE IT FURTHER RESOLVED, that Richey Rice-Gore be heartily thanked for her graciousness in difficult situations, her thoughtfulness, and her support and guidance of HRC staff; and

BE IT FINALLY RESOLVED, that the Human Rights Commissioners, Employment Committee members, and HRC staff convey their best wishes for her future and their sincere appreciation for her exemplary service to the community.

######################

Resolution 3-88

Adopted by the HRC 5/26/88

19/88

DOCUMENTS DEPT.
JUN 27 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of June 9, 1988
Room 1200 State Building
9 AM - 350 McAllister

NEXT MEETING

DATE: Thursday, June 23, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center

1. ROLL CALL

Commissioners

Present: George Suncin (presiding), Rabbi Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Joe Jung, Lawrence Martin, John Morrissey, Nicerita Revelo, Joan San Jule, David Yamakawa, Jr.

Excused: Corrine Lee

Staff

Present: Frank Anderson (Interim Director), Jack Casford, Linda Chin, James Fields, Eileen Gillis, Ed Ilumin, Richard Norton, Pansy Waller, Gail Roberts, Mary Gin Starkweather, Gary Wong, Vicky Zimpel.

Mary Baker, observer from the League of Women Voters

There was no Pledge of Allegiance as the meeting room does not provide a Flag.

The Minutes of the Meeting of May 26, 1988 were approved with one alteration: On Page 6, under the heading U.S. Census for 1990, the Commissioner John Morrissey suggested that in the third line, the words Pacific Rim be replaced with the word, Asia.

COMMUNICATIONS

- Copies of four pieces of proposed legislation by members of the Board of Supervisors:

1. An Ordinance proposed by Supervisor Hongisto "authorizing the HRC to review all contracts subject to Chapter 12B Prior to award... for compliance with the nondiscrimination provisions of Chapter 12B ....."

2. A proposed (but not introduced) piece of legislation from Supervisor Nelder that would request the City Attorney to prepare legislation to extend certain employment benfits and rights to construction workers other than those employed on City and County projects, and to require construction projects in the City County to give preference in hiring of qualified San Francisco residents.

3. A Discrimination Information and Whistleblower Program, proposed by Supervisor Molinari, urging official determination if discrimination against Filipino-Americans and all other racial minorities is occurring within City government. Concerns about alleged Filipino-Americans' being discriminated against in City employment had earlier been brought to the attention of the HRC by Ms. Helen Bautista, Vice-President, Filipino-American Women's

League, which has brought a class-action lawsuit (Filipino-American Political association v. City and County of San Francisco/Civil Service Commission).

4. A proposed Amendment to the Municipal Code to "... prohibit distribution of ...hotel tax...funds to recipients that contract with facilities or in clubs that discriminate." See comments under Interim Director's Report below in these Minutes.

- A copy of "San Francisco's Prominent Arts Organizations: Why Aren't They Equal Opportunity Employers?", by Jeff J. Jones, dated March 25, 1988. See comments under Interim Director's remarks below in these Minutes.

- A copy of a letter from Harold T. Yee, President, Asian, Inc., to Mayor Art Agnos, objecting to the manner a Request for Qualifications on the Fisherman's Wharf Development Program had been issued by the San Francisco Redevelopment Agency.

- A copy of Mayor Agnos' response to Mr. Yee. See Interim Director's comments below in these Minutes.

- From Mayor Agnos, a Memorandum to all Office of Community Development-funded agencies, announcing the appointment of Larry Del Carlo as the Director of the Mayor's Office of Community Development.

- From John L. Taylor, Clerk of the Board, a Memorandum to all Department Heads attaching a proposed Ordinance relating to the preservation of records now pending before the Governmental Operations Committee of the Board of Supervisors. See Interim Director's comments below.

- To Bill Witte, Deputy Mayor, Mayor's Office of Community Development, from the HRC formally endorsing and supporting the request for funding of the Intergroup Clearinghouse. Mr. Anderson noted that the HRC annually has urged re-funding of this organization, which concentrates on dispute resolution, under the aegis of the HRC, providing it with a "..much needed resource for mediation and conciliation." He stressed that the endorsement was sent over his signature, not as a formal HRC action because of the time-urgency factor.

Interim Director's Comments on Communications

- Regarding the Asian, Inc., concern about the Redevelopment Agency's manner of a Request for Qualifications for a Fisherman's Wharf project, Mr. Anderson pointed out that the Mayor's response to Mr. Yee states, "The City Attorney's Office....advised that the Redevelopment Agency is a quasi-State agency that is not subject to our MBE/WBE ordinance. The Agency's own legal counsel ruled that it did not have the legal authority to even voluntarily comply with our ordinance. Therefore, the Redevelopment Agency must only comply with the rules that a prime contractor of the Port of San Francisco would be required to meet."

This was read verbatim.

Mr. Anderson pointed out that this is a new stance, noting that in the past the HRC has been led to believe that its ordinance (Chapter 12D) did apply to the Redevelopment Agency contracting, since their contracting data was included in the City's MBE/WBE performance todate. He said that this first challenge to that status needed to be especially noted by the HRC, as a point of information for the forthcoming public hearings on Chapter 12D.

- As for the proposal about preservation of records by City Departments, he stated that it provides that, basically, departmental records can be kept for up to five years, after which, if they are of no value, they can be destroyed. He said the HRC needs to do an inventory of the HRC records, some of which date back to its beginnings in 1964. Former Director Mickins had informally advised staff members of the five-year cutoff for retention of records in early 1987.

****Mr. Anderson asked that the Administrative Committee consider this subject with the aim of drafting guidelines on how to proceed.

- Regarding the proposed two pieces of legislation from Supervisor Hongisto in the Communications cited above 1. calling for HRC review of all contracts subject to Chapter 12B prior to award, and 2. for it to promulgate rules and regulations for implementation of the sections of the legislation prohibiting distribution of hotel tax monies to recipients that contract with facilities or clubs that discriminate. Mr. Anderson reported that he has spoken with Supervisor Hongisto to discuss the HRC's concerns that it be given yet more implementation duties without mention of staff additions or funding to carry them out. Supervisor Hongisto is supportive of the HRC in this, he said. Mr. Anderson also commented that that he had misgivings about the HRC's having being asked to carry out any additional legislative mandates without being given the means to efficiently implement them.

Commissioner San Jule stated that she concurred with Mr. Anderson's observations, and asked if the Hongisto legislation regarding hotel tax monies and their being granted to allegedly discriminatory institutions was based on community demands.

Mr. Anderson said he had attended a large public hearing on Supervisor Hongisto's proposed hotel tax legislation held by the Human Services Committee of the Board of Supervisors in City Hall on June 2, 1988. He said representatives of all major City cultural organizations were present, the San Francisco Symphony, the San Francisco Opera, the Fine Arts Museums, etc. He said that neighborhood arts communities had been lobbying Supervisors to address the issue dealt with in the report "San Francisco's Prominent Arts Organizations: Why Aren't They Equal Opportunity Employers?", prepared by Jeff J. Jones (referred to in the above Communications section of these Minutes). In his foreward, Mr. Jones states that the purpose of the study is"... to call attention to the lack of minority representation at both the board and staff levels of San Francisco's seven major nonprofit arts institutions, all of which are subsidized by City funds." The report further states that "In 1987, the City's seven largest arts organizations had a total of 341 Board members, 329 of whom (or 96.5%) were White. These seven institutions employed 2658 people of whom 2432 (or 91.5%) were White."

Mr. Anderson said that no where in the discussion he witnessed were the salient points of the Jones report challenged or disputed. He said, in response to a comment from Commissioner Morrissey that there are claims that there is poor minority "pool" of arts professionals nationally, that that point had been disputed at the hearing.

He explained that if this proposed legislation is enacted, the HRC needs to be funded by the Hotel Tax monies or other available funds for these additional HRC and specific contract review duties.

- Chairperson Suncin said the HRC needs to let Supervisors know that when recommendations are made that the HRC undertake new obligations of implementing new legislation the need for funding and staff support be factored in.

It was pointed out that at present the HRC does not review the Hotel Tax Fund grants, which are not contracts. Commissioner Fernandez stated that arts organizations Citywide apply for grants to the Hotel Tax Fund, and recommended that it be determined what the role of the City Arts Commission is in the disbursement of Hotel Tax monies, although she said it was her understanding that it had no such role.

Mr. Anderson stressed to Commissioners that during the hearings the City Attorney announced that the changes being sought through legislation may require an amendment to the City Charter.

NO REPORT OF THE CHAIRPERSON

INTERIM DIRECTOR'S REPORT

- HRC Budget. The HRC staff (Mr. Anderson and David Treanor, Office Manager) met June 8 with the representatives of the Budget Analyst's Office to review the standing budget requests. The Mayor has already made his recommendations for the HRC budget and the June 8 review was the second step in the process, which goes next to the Board of Supervisors.
Mr. Anderson said that the Budget Analyst's staff has not yet been able to re-plan its policy following the defeat 24 hours earlier of Proposition K, by which the Mayor hoped to avoid substantial staff layoffs and City service cutbacks to cope with an anticipated budget deficit. The Budget Analyst's representatives said they would provide the HRC with specific budget cut figures on June 13. Mr. Anderson said that as a consequence of the failure of Proposition K (which would have permitted the City, currently held to a fixed limit under the Gann legislation--Propostion 13---, to impose additional revenue-producing fees and taxes), the HRC may be facing staff layoffs. It was noted that the wage-freeze authorization measure passed in the June 7 election, meaning all staff salaries are frozen for a year at least. Mr. Anderson said, "The HRC currently is mid-way to the 'worst-case' level of agency funding."

The HRC budget goes to the Board's Finance Committee June 16, when staff(assisted by Commissioners Martin and Suncin) will defend the HRC budget requests and justify its not being cut.

- Carl D. Washington v. Malaco Petroleum Company, Inc. - This case, which began with a complaint filed with the HRC in May of 1986, was dismissed by the HRC April 28, 1988. The Malaco Company has billed the HRC for $23,000 in legal services fees. The billing has been sent to the City Attorney's Office which has informally informed the HRC that it is a request without merit.

- Mayor and Mrs. Art Agnos' Reception for City Department Heads.

Interim Director Frank Anderson attended this event on Election Night, June 6. He reported that the Mayor spoke with him for several minutes, saying that HRC concerns and issues are brought up daily in his office, and while offering his support, said he wished to discuss goals he has in mind. This latter discussion will most likely take place after a Mayoral trip to Greece.

STANDING COMMITTEES

ADMINISTRATIVE

-Commissioner Larry Martin, Chairperson

1. Reception for Grant Mickins.

Formal invitations for a reception honoring Grant S. Mickins, who retired after 35 years of public service, thirteen of them as HRC Director, effective July 1, have been mailed.

The reception will be held Thursday, June 23, 1988, from 5 to 8 PM at the Vorpal Gallery, 393 Grove Street, by invitation only. It is sponsored by the Friends of the Human Rights Commission, and a $15-per-person donation is requested by the RSVP card.

Mr. Anderson stressed that no City funds are being expended to cover expenses for the reception, and urged Commissioners to make personal contributions. He has sent two memoranda to that effect so far, he said.

Chairperson Suncin also urged that personal individual contributions be made by members of the HRC.

2. Personnel Search Committee Report

The Committee is adhering to its schedule of activities, which began with the May 20 opening date for filing applications for the post of #2986, Director, Human Rights Commission. The closing date for filing is June 10, and applications were to be screened June 11. Candidates' interviews will be June 16 and 17, and the Committee's final deliberations will be June 20. The Administrative Committee meets June 22 to receive the recommendations, and the HRC holds its regular meeting June 23. The formal recommendations are forwarded to the Mayor June 24.

- The Personnel Screening Committee met immediately following this June 9, 1988 regular HRC meeting.

EMPLOYMENT

Commissioner David Yamakawa, Jr., Chairperson

- No report.

HOUSING AND URBAN DEVELOPMENT

Commissioners Samuel Chung and Joe Jung, Co-Chairpersons

- The Commissioners will be announcing meeting date soon when Committee staff Donald Hesse returns from an extended vacation.

- At this point, Chairperson Suncin announced that the HRC Agenda for its regular meetings henceforth will include listings for all Standing Committees, some of which have been inactive in recent months. The Standing Committee chairpersons and staffs were actively encouraged to hold regular meetings and to schedule reports on their activities.

- Interim Director Anderson then distributed to each Commissioner copies of a narrative Overview of the HRC's internal structure, its mandate, and its functions.

LESBIAN/GAY ADVISORY

Commissioner Allen B. Bennett, Chairperson

- Report on Sexual Orientation and AIDS Discrimination. - Eileen Gillis.

This report covers the fiscal year 1986-1987, and was prepared by Norman Nickens, AIDS Discrimination Representative, and Ms. Gillis, Lesbian/Gay Community Representative.

In the reporting period, the HRC staff (including Jackie Winnow, Coordinator of the Lesbian/Gay Unit, who is on medical leave) investigated 146 complaints of discrimination on the basis of sexual orientation or AIDS, 88 in the sexual orientation category, and 58 in AIDS-related discrimination. Damages in that time awarded to complainants was $33,045.

As always, it was pointed out, the number of investigated complaints does not reflect the number of complaints, requests for information and assistance, and for referral received at the HRC. Many of the report complaints received were outside the HRC's jurisdiction and were resolved through technical assistance or referral. The figures also do not reflect the approximately 15 sexual orientation and 20 AIDS-related complaints investigated by the Fair Housing Program of the HRC, in whose fiscal 1986-1987 report they are included.

The total number of complaints investigated in the reporting period increased slightly over those reported the previous fiscal year. The decrease in AIDS-related complaints marks the first decline since the HRC first began recording this category of complaint in 1982. This decline may be explained, the report states, in part by the success of the San Francisco AIDS Discrimination Ordinance, Article 38 of the San Francisco Municipal (Police) Code. The discrimination pattern against persons with AIDS and AIDS-related conditions remains, the report says, "...a significant problem in San Francisco." "An increase in reported instances of discrimination against Gays and Lesbians, as well as the reports of increased anti-Gay violence, suggests that they may be a reflection of AIDS-related hysteria," the report reads.

The report has separate sections giving narrative details of the AIDS discrimination and sexual-orientation discrimination activities, giving sample cases and how they were investigated, mediated, settled, etc.

In the sexual-orientation complaint activity by staff, full investigations by permanent HRC staff were assisted by legal interns, eight in number, during the reporting fiscal year period. These interns in addition did basic research, clarified investigatory processes, and did studies on specific points, such as the admissability of gathered evidence.

A statistical chart attached to this report showed breakdowns of the services provided, the types of complaints (formal, informal, official), the coverage under which they were handled, and the demographics of the clients (78% Caucasian; 12% Hispanic; 5% Black; 2% Asian; and 2% Filipino), for the sexual orientation complaint list, for example.

Ms. Gillis stated that companies in the City and County are learning that the HRC has strong follow-through on complaint investigation, and said that as a measure of her unit's effectiveness in terms of financial damages, $110,000 was won in settlements by clients in one quarter of fiscal 1987-1988.

Ms. Gillis also pointed out that with her departure from the staff June 10 after six years of service, and the medical leave of her colleague Jackie Winnow, two-thirds of the HRC staff handling these categories of complaints will not be available in the short-term.

She stressed that enforcement powers are keys to effective protection of those alleging sexual orientation/AIDS discrimination, noting that the HRC is restricted presently to jurisdiction only over City contractors as far as being able to recommend economic or contractural sanctions.

Deficiencies she cited were the fact that some City functions, such as the Academy of Sciences, Candlestick Park, the War Memorial Opera House, etc. all funded by the City largely, and on City-owned land, are not considered contractor agencies and are therefore exempt from HRC jurisdiction.

She said that it will be very difficult for the HRC staff to respond to client needs in the near future without adequate staff support.

- Commissioner Allen Bennett stated, on behalf of the HRC, that Ms. Gillis was to be commended and thanked for her valuable contributions over her six-year term of service as staff, and to be wished the best of good fortune in her new enterprise, enrollment at the University of California-Davis law school. A round of applause from all followed.

Interim Director Anderson stated that Ms. Gillis had come first to the HRC staff as an intern, and that her development as a fine professional was a source of pride for all. She will be honored at a staff-sponsored luncheon on Wednesday, June 15, at Noon, at the Billboard Cafe, 299 Ninth Street.

SOCIAL ISSUES AND POLICE LIAISON

Commissioner Nicerita Revelo, Chairperson

Jack Casford reported that the Committee has been relatively inactive in recent months. It formed an Ad Hoc Subcommittee on the Study on the Status of Immigrants and Refugees in October 1987. This was at the request of Supervisor Nancy Walker, who preparing legislation-aimed at the creation of a City-funded Commission on Immigration. Staff worked with members of the community (Asian Law Caucus, Coalition for Immigrant and Refugee Rights and Services) in meetings to organize this study of City departments to see what policies and procedures they follow in providing services to immigrants and refugees.

Staff followed this study/survey, which was done largely by two persons hired under a private outside grant, and which was completed April 29, 1988. It was transmitted May 1 by the HRC to Supervisor Walker in completion of her charge to it in October of 1987.

The proposed legislation went to the Board's Human Services Committee May 5, but without funding provisions. Language reportedly has been introduced into the State budget for $75,000 for the project.

Kate Monico-Klein of Supervisor Walker's office reported to Jack Casford June 8 that the measure goes to the full Board of Supervisors June 11, but without funding provisions. A continuance may be sought at that time until such funding can be worked out. It is thought that alternatives to a City-funded Commission might be the establishment of a Task Force on Immigrants, or the addition of a professional staff person on the staff of the HRC to specialize in refugee and immigrant concerns.

Commissioner Revelo announced that the Committee will be asking for a report on the status of the survey and the legislation at an upcoming regular meeting.

- Chairperson asked that the Administrative Committee consider how to proceed, in view of past poor attendance and other difficulties with the regular functioning of the Social Issues and Police Liaison Committee.

YOUTH AND EDUCATION

Commissioner John C. Morrissey, Chairperson

- The last meeting of this Committee was May 5, 1988, and it reported to the HRC on that meeting May 26. The next meeting will be June 15.

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioners Rosemarie Fernandez and Joan San Jule, Co-Chairpersons
1. Orientation and Review of MBE/WBE/LBE Legislation and Program in
- Preparation for Public Hearings on Extension of Chapter 12D- Mara Rosales, Deputy City Attorney, Pansy Ponzio Waller, Interim Director Frank Anderson.

Mr. Anderson began this long and detailed presentation period, announcing that Chapter 12D of the City Administrative Code, Section 12D.15. Review, provides that the Ordinance shall expire five years from its effective date (it was signed into law by Mayor Feinstein April 11, 1984; it became effective May 11, 1984). "...unless the HRC, after conducting hearings, finds that the purposes ...have not yet been achieved, in which case it shall certify said finding to the Board of Supervisors no later than 200 days prior to the effective expiration date."

Mr. Anderson said that the presentation at this meeting was for the express purpose of giving important orientation and information to the members of the HRC in preparation for their conducting the scheduled public hearings, which will be Thursday, June 30, beginning at 6 PM in Room 1194 also. Room 1194 is at the end of the hall into which also opens Room 1200, the regular HRC meeting place.

This was a three-part presentation:

1. Introduction and background by Mr. Anderson.

2. Performance Data (described using visual aids and charts) by Pansy Ponzio Waller.

3. Legal Requirements and Commissioner Orientation, by Mara Rosales.

1. Mr. Anderson's Remarks began with his reading in full Section 12D.15. Review, second paragraph, as cited above. The paragraph goes on to read," "Thereafter by following the above described procedure the Ordinance may be extended for additional three year periods."

The Ordinance expires May 11, 1989. Two hundred days prior to this date is October 23, 1988. Accordingly, the HRC must have concluded these public hearings before October on whether (and here he read directly from a Memorandum of March 1988 from Mara Rosales):

"1. The present effect of prior discrimination against MBEs/WBEs has been remedied.
2. Economic disadvantages faced by LBEs have been offset.

If the HRC makes findings required by Section 12D.15a prior to October 23, 1988, the Ordinance may continue in effect for an additional three years."

This document was distributed to the members of the HRC once, and will be distributed again, Mr. Anderson said.

The HRC held a series of hearings in February, March and April of 1983 to determine the extent of minority and women's business participation in City and County contracting. These hearings were in response to Board of Supervisors Resolution 952-82, entitled "Urging the Mayor to Request the Human Rights Commission to investigate and hold public hearings with respect to the extent of minority business participation in City contracts and procurement, and to appropriate remedial legislation." This Resolution was adopted by the Board of Supervisors December 13, 1982 and approved by the Mayor December 17. This Resolution was transmitted by the Clerk of the Board, John Taylor, to then-Director Mickins January 10, 1983. Mr. Anderson read the transmittal letter in full.

Mr. Anderson presented a detailed overview of the background of the HRC's 1983 hearings, the testimony from witnesses about their experiences with the contracting procedures of various agencies of City and County government, and specific recommendations for improving procedures to create a "fair and equitable system" for all businesses. The narrative included the fact that the HRC invited specific agencies and City departments to testify on their procedures for soliciting contractors and awarding contracts. Each of 56 City and County agencies was asked to submit written data on standards and criteria for granting contracts. More than $869 million in contracts were awarded by these agencies in 1981-1982.

The findings of the HRC from these hearings and testimony and information from City and County agencies were:

1. That there were no uniform criteria and standards used in the awarding of City and County contracts.

2. Non-construction contracts were awarded mainly at the discretion of authorized agency staff.

3. Less than 3% of the total dollar amount of all contracts awarded by City and County agencies went to minority and women-owned businesses combined in 1981-1982.

4. Of business firms in San Francisco more than 30% are owned by minorities; 25%, women-owned.

The HRC concluded that there was de facto exclusion of minority and women-owned businesses from access to City and County contracts. It found, further, that legislatively-mandated affirmative action by City and County agencies was necessary in order to overcome the effects of past and present contracting procedures on opportunities for minority and women-owned businesses.

Continuing, Mr. Anderson then read the remedies the City Ordinance that the HRC urged be adopted was to address, including establishing standards and procedures for awarding contracts, creating a centralized location for listing all bids, request for proposals, and solicitations, requiring affirmative solicitation of bids from qualified minority and women-owned businesses, provision of set-asides of prime contracts for MBEs and WBEs, setting dollar volume goals for prime contracts to MBEs and WBEs, adopting a preference percentage for LBEs and MBEs and WBEs, providing waivers for bonding requirements, etc.

It was pointed out in the presentation that a number of U.S. cities (Oakland, Seattle, Atlanta, Kansas City, Washington, etc.) had already addressed these issues, specifically affirmative action and goal-setting in the contracting process.

2. Mr. Anderson then asked Pansy Ponzio Waller, an HRC Contract Compliance Officer, for a Performance Data presentation. Ms. Waller used visual aids in the form of charts and graphs to show the departmental responses and achievements in increasing MBE/WBE participation in contracting in Fiscal Years 1984-1985, 1985-1986, and 1986-1987. The charts showed which major contracting City departments (five are the principal ones) have met goals for participation, gave percentages of the contract-dollar volume attained by MBEs and WBEs in the different fiscal years, etc.

In the course of her presentation, Ms. Ponzio Waller touched on the HRC's initial acceptance of departmental aggregate data, and its rapid moves to implement its certification process in order to establish that qualified MBEs and WBEs be tallied. She noted the HRC's insistence on verification of departmental data was still a factor in the ongoing implementation of Chapter 12D, and said she and former Director Mickins had been working very hard on establishing hard and fast verification hard on establishing hard and fast verification requirements through the City Controller's Office.

For Fiscal Year 1986-1987, of $151 million in contracts monitored, 23.7% of the total went to MBEs and 2.5% to WBEs, she said, and the latter firms were all certified.

Ms. Ponzio Waller again emphasized that five to seven of the City's major contracting departments let the majority of contracts, up to 88% of the dollar volume in Fiscal Year 1986-1987, and noted those that have been meeting the 30% MBE and 10% WBE participation goals.

She said that a written summary and complete report will be included in a packet the Interim Director will be sending to each Commissioner.

Commissioner Morrissey suggested that 1. The HRC concern itself for the purposes of the public hearings with the overall, general performance data, rather than by individual departments, and 2. that the basis for statistical data be prominently featured.

It was pointed out that Chapter 12D contains no numerical participation goals for LBEs.

Staff reported to the HRC that its data-gathering and recording procedures are severely limited due to the lack of a computer system capable of doing complex breakdowns and the like. It was suggested that there be explored the possibly of renting such equipment, but Mr. Anderson stressed that the HRC's budget, particularly during the current budget deficit-crisis in City government, simply does not have the allocation for such equipment. He urged Commissioners to make others aware of these needs.

- Commissioner Rosemarie Fernandez commented that there apparently has never been careful thought by the supporters for Chapter 12D on how it would be implemented administratively, or how the HRC could obtain the equipment and staff needed to do the volume of work.

Commissioner Allen Bennett said he had computer equipment that could possibly be donated for this HRC work.

Commissioner Martin suggested that in preparation for the upcoming public hearings that the HRC identify clearly for the public those areas of resources that they never were provided.

3. Legal Requirements and Commissioner Orientation- Mara Rosales, Deputy City Attorney. Ms. Rosales began with a report on the present status of the lawsuit challenging essentially Chapter 12D sections applying to public works originally filed October 24, 1984 by the Associated General Contractors of California against the City and County. The suit progressed through the U.S. District Court, where, in August of 1985, Judge Thelton Henderson rejected the AGCC challenge.

In June of 1986, the suit went to the U.S. Ninth Circuit Court of Appeals, and in March of 1987, a 3-to-0 decision by that Court which Rosales characterized as "very complicated" ruled that: 1. The MBE preferences in Chapter 12D are unconstitutional and in violation of the City Charter. 2. That the WBE preferences, while constitutional, are, where competitive bidding is required, in violation of the City Charter, and 3. That the LBE preferences are allowable under the City Charter. Thus, where competitive bidding is not required, WBE and LBE preferences are allowable, but not MBE.

The City Attorney filed a Petition for Rehearing April 6, 1987, and to date no Court action has been forthcoming. This inaction, she said, automatically prevents the March, 1987 decision from going into effect and the City can continue to implement Chapter 12D.

Currently pending before the U.S. Supreme Court (City of Richmond v. J.A. Croson Co.)---this is the City of Richmond, Virginia---is a suit involving an attempt by Richmond to include minority-owned businesses in awarding public construction contracts. Since this case is so similar to the AGCC v. the City and County of San Francisco case, Ms. Rosales said, it is hoped that a favorable decision by the U.S. Supreme Court will have an impact locally. She noted that the Richmond v. Croson case has revealed, in the massing of nationwide support for an amici curiae brief by the Coalition for Civil Rights, that some 36 states have in place 190 MBE/WBE contracting programs.

Ms. Rosales then gave her advice on what points should be made in the public hearings June 30 and July 14, centering on whether the objectives of Chapter 12D have been met, in full or in part.

If certain objectives of Chapter 12D are found in the hearings by the HRC to have been met, then it must ask that the sections in Chapter 12D pertaining to them be repealed. She stressed that the HRC must consider: 1. If the City and Countywide goals for MBE/WBE participation have been met and, 2. If the goals for LBE participation have been met, based on the stance that they need to have offset the disadvantages LBEs face in San Francisco, i.e., the cost of doing business (taxes, etc.) as opposed to those costs outside the City.

Ms. Rosales announced she would be sending to all HRC staff the requirements for the kinds of data they must obtain and provide to the Commissioners in order to carry out fully the obligations of the public hearings.

Ms. Rosales said her office would assist the HRC in writing it findings, based on the evidence it obtains in the hearings.

Mr. Anderson announced that the MBE/WBE/LBE Community Advisory Committee will meet Thursday, June 16. He said also that the public hearings will be structured for maximum efficiency and productiveness.

Commissioner Morrissey and Yamakawa had comments relating to goals and procedures of the public hearings as part of the general discussion with Ms. Rosales, Mr. Anderson, and Ms. Pansy Waller.

NEW MATTERS

- Commissioner Yamakawa, noting that the Chairperson has referred to the Administrative Committee consideration of the scope of work for the Social Issues and Police Liaison Committee, suggested that the HRC see where the issue of minority representation concerns about the City's arts organizations, mentioned earlier in this meeting, might fit into the scope of the HRC's mandate.

- Small Business Exchange Event.

Mr. Anderson announced that the Second Annual Bridging the Gap Award Luncheon, sponsored by the Small Business Exchange, will be held June 17, 1988 at the Union Espanola de California. The Exchange will honor a number of government officials and legislators for their work in helping promote California minority and women-owned businesses. Included will be former Director Mickins and Kevin Williams, HRC Contract Compliance Representative for the Human Rights Commission. Information about the luncheon is available at 695-0505.

CALENDAR MATTERS

- The next regular meeting of the HRC is scheduled for Thursday, June 23, 1988, at 9 AM in Room 1200 of the State Building in the Civic Center. Meeting schedules for the remainder of calendar 1988, beginning with the July 14 meeting (which starts at 5 PM in Room 1194, preceding the second of the Chapter 12D public hearings) were distributed to the HRC members.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, June 22, 1988 Noon HRC Offices, 1095 Market Street, Room 509
EMPLOYMENT	Thursday, July 5, 1988 9:30 AM 1850 Mission St.
HOUSING AND URBAN DEVELOPMENT	Tuesday, June 21, 1988 5 PM Room 509, HRC Offices 1095 Market Street
LESBIAN/GAY ADVISORY	Tuesday, June 16, 1988 5:30 - 7 PM Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, June 16, 1988 4:30 PM Room 712, Grant Building, 1095 Market St. (Offices of Women in Apprenticeship)
SOCIAL ISSUES AND POLICE LIAISON	(To be announced.)
YOUTH AND EDUCATION	Thursday, June 16, 1988 3:30 PM Room 1200, State Building 350 McAllister

---

- The Personnel Search Committee met following this HRC June 9 meeting in Room 1200.

NO REMARKS FROM THE AUDIENCE.

ADJOURNMENT

Respectfully submitted,

Frank V. Anderson, Interim Director
via Jack Casford

FVA:JC:np
[HRC/Min]CORR3

FA:MGS:np
[HRC/Min]CORR3
5/19/88

SF
480
.2
/30/88

DOCUMENTS DEPT.
JUL 12 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of June 30, 1988
Room 1194 State Building
5 PM - 350 McAllister

NEXT MEETING

DATE: Thursday, July 14, 1988
TIME: 5:00 PM (Note: the usual meeting time of 9 AM is changed for this meeting to 5 PM)
PLACE: Room 1194, State Building (Note: the usual meeting room - 1200-- is changed to 1194 for this meeting)
350 McAllister, Civic Center

The regular HRC meetings for June 30 and July 14 were and are to be held in advance of the 6 PM Public Hearings the HRC is required under Chapter 12D of the City Administrative Code to hold to evaluate and make recommendations regarding the Minority/Women/Local Business Enterprise program.

1. ROLL CALL

Commissioners

Present: George Suncin (presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, Larry Martin, John Morrissey, Nicerita Revelo, David Yamakawa, Jr.

Excused: Rosemarie Fernandez, Michael Hardeman, Corrine Lee.

It was announced that Commissioner Joan San Jule tendered her resignation from the HRC to Mayor Art Agnos, effective June 14, 1988.

Staff

Present: Frank Anderson (Interim Director), Jack Casford, Don Hesse, Norm Nickens, Mary Gin Starkweather, Vicky Zimpel.

Pledge of Allegiance

Minutes of the Meeting of June 9, 1988, were approved with one re-wording: At the request of Commissioner Revelo for clarification beginning on page 1, under COMMUNICATIONS, the last line on the page reading"... by Ms. Helen Bautista, Vice-President, Filipino-American Women's (then continuing to Page 2) League, which has brought a class-action lawsuit", that sentence shall end with "lawsuit." And the last sentence shall read, "The lawsuit's formal title wording is: Filipino-American Political Association v. City and County of San Francisco/ Civil Service Commission."

COMMUNICATIONS

- From William H. Rentschler, Editor and Publisher, San Francisco Progress newspaper, to Interim Director Frank Anderson, inviting him to attend the 2nd Annual State of the Neighborhoods Conference on June 22, at the Presidio of San Francisco.

- From Commissioner Joan San Jule, a copy of her formal letter of resignation from the HRC sent to Mayor Agnos, effective June 14. The Commissioner said she wished the HRC well in its search for a new executive director and in the public hearings to come.

From Supervisor Richard D. Hongisto, asking for specific statistical rmation on the employment patterns of City and County agencies, an ysis of employment patterns for "Filipino/Americans", and an analysis he problems the same group experiences in participation in City and ty government.

From Adelbert L. Campbell, Program Manager, Purchasing Department, rity Business Development Program, to Carmen Smith, HRC Contract liance Representative, congratulating her for "...your persistence in ing" .."with a minority-owned manufacturer, which was awarded a able contract as a minority-owned business (MBE).

From John L. Taylor, Clerk of the Board of Supervisors, asking parti- tion, with Supervisor Willie B. Kennedy, Rudolf Nothenberg, Jacquie , Coordinator of the Commission on the Status of Women, and City rney Louise Renne, in work "to establish guidelines and procedures for proper use of the television rooms in the gilley rooms."

: "gilley room" means a lounge room for Municipal Railway operators, rding to a Muni staff member.

From Mara E. Rosales, Deputy City Attorney, a copy of her letter to y Hovis,Esq., attorney for Malaco International, Inc., giving the legal ons why his request on behalf of Malaco for payment of attorney's fees costs ($28,066.75) is being denied by the City. The request had been he HRC, which, through the Director, has dismissed the administrative laint against Malaco. The Director (former Director Grant S. Mickins) found Malaco in violation of the MBE/WBE/LBE Ordinance in 1986.

To all members of HRC Standing Committees, a memorandum from rperson George Suncin, advising that all such members who own or are oyed by companies or organizations doing business with the City (or companies or organizations that seek to do business with the City) a conflict of interest, and must resign, in writing.

From Rosalyn C. Koo, President, Pineview Housing Corporation, inviting HRC (Housing Representative Ed Ilumin did attend) to send a esentative to a press conference announcing the final stage (the sing" of the project with the U.S. Department of Housing and lopment) of construction financing for the Pineview Senior Housing ect, seventy units of housing for seniors in the Chinatown-North Beach .. The HRC had some time ago formally supported this project, which be built over the air-rights of the eastern entrance of the Broadway el.

NOTE: Since the June 23, 1988 regular meeting was cancelled, many of the following Agenda items were carryovers from the June 23 Agenda that required action or discussion.

REPORT OF THE CHAIRPERSON

Chairperson George Suncin briefed the Commissioners following this lar meeting on the procedures for the Public Hearing, which followed at PM.

DIRECTOR'S REPORT

HRC Budget for Fiscal 1988-1989.

Interim Director Frank Anderson stated that the HRC's budget request discussed before the Board of Supervisors' Finance Committee June 16, and that Commissioner Larry Martin had given great support personally at that hearing, a precedent, Mr. Anderson noted. As a result of the HRC presentation, some $17,000 of a proposed $66,000 budget request cut was restored by the Budget Analyst.

Mr. Anderson said the FY88/89 approved budget for the HRC will be finalized upon the Board of Supervisors' action, expected soon.

- Resolution of Support for Mayor Agnos.

The Mayor has sent a copy of a Resolution of Support he wishes each City Commission to adopt regarding his budget package of reduction of services and an increase in some business taxes. Copies of the proposed Resolution will be distributed to members of the HRC in advance of their action on it at the regular meeting for July 14, 1988.

- Reception Honoring Grant S. Mickins June 23.

Former Director Mickins, whose resignation became official July 1, was honored at a reception the evening of June 23 at the Vorpal Gallery. A large crowd of civil and community leaders attended, and there were many presentations of official honorary tributes. They included commendations and best wishes from the following:

- Hon. Art Agnos, Mayor of San Francisco
- Hon. Willie Brown Jr., Speaker, California State Assembly
- Hon. Nancy Pelocci, U.S. House or Representatives
- Hon. Alan Cranston, U.S. Senate
- Hon. Milton Marks, California State Senate
- Hon. Quentin Kopp, California State Senate
- Hon. Doris Ward, San Francisco Board of Supervisors
- Mr. Clemente Obregon, Pres. Mission Area Health Associates, Inc.
- Mr. John Walsh, General Manager, S.F. Civil Service Commission
- Mr. Adrian Isabelle, Director, Richmond California Human Rights Commission and Calif. Assn. Human Rights Organizations
- Mr. Claude Everhard, Deputy Mayor, San Francisco
- Commissioner Larry Martin, Vice-Chair, San Francisco Human Rights Commission
- Mr. Frank Anderson, Interim Diector, San Francisco Human Rights Commission
- Mrs. Gina Moscone, Wife of Mayor George Moscone
- Hon. Dianne Feinstein, Former Mayor of San Francisco
- The Very Reverend C. Julian Bartlett, D.D., Dean of Grace Cathedral, emeritus, and former S.F. HRC Commissioner
- Mr. Ernest Pete Ward, Executive Director, International Assn. of Official Human Rights Agencies
- Ms. Janet L. Bradley, Executive Director State of Alaska Human Rights Commission

- And many other best wishes to Grant Mickins

STANDING COMMITTEES

ADMINISTRATIVE
Commissioner Lawrence B. Martin, Chairperson

- Personnel Search Committee Progress Report.

The Committee has extended the time period for filing for the position of "2986 , Director, Human Rights Commission" to July 27, 1988.
Interim Director Frank Anderson stated that extensive outreach and recruitments efforts are being carried out, with announcements being distributed statewide, the running of an advertisement in a Sunday edition of the San Francisco Chronicle/Examiner, announcements distributed to members of the California Association of Human Rights Organizations (CAHRO), of which the HRC is a member, and announcements as well to a number of professional and community-based organizations.

Mr. Anderson also urged individual Commissioners and staff to recruit interested candidates, remarking that Commissioner Bennett had already referred one candidate.

EMPLOYMENT
Commissioner David K. Yamakawa Jr., Chairperson

- Construction Affirmative Action Program for Construction Contracts

(1988 Revision). - Vicky Zimpel, Coordinator, Office of Contract Compliance.

Copies of the final draft of this Program were provided to all members of the HRC.

The new Program was first adopted by the HRC March 24, 1988, and following that action HRC staff met with each City department. The San Francisco International Airport had asked former Director Grant Mickins for additional public comment time. Ms. Zimpel reported that as a result of these meeting, several minor changes had been made to the draft previously adopted, most of them technical or typographical. She went over of these changes at this meeting. Ms. Zimepel noted that some of the departmental-recommended changes were readily agreed to by the HRC, in the interest of making more efficient and timely the processing of the necessary reports and forms.

It was then
*****m/s/c that the HRC Affirmative Action Program for Construction Contracts (1988 Revision), to become effective July 1, 1988.

HOUSING AND URBAN DEVELOPMENT
Commissioners Samuel Chung and Joe Jung, Co-Chairpersons

- Committee Report

A meeting of this Committee, which had been inactive formally for some time, did not produce a quorum, and, therefore, no action was taken.
Mr. Anderson noted that Commissioner Joe Jung had made personal efforts to re-vitalize the Committee and that the HRC will continue along those lines.

LESBIAN/GAY ADVISORY
Commissioner Allen B. Bennett, Chairperson

- Request for Authorization to Write Mayor Agnos Commending his Human Rights Position on the Issue of San Francisco Hosting the 1996 Olympic Games - Norman Nickens, HRC AIDS Discrimination Representative.

This request was first made to the HRC at its regular meeting of May 12, 1988. At that time, the draft of a letter written by the Lesbian/Gay Advisory Committee was referred to the Administrative Committee. This draft letter to the Mayor would have expressed the appreciation of the HRC for his "strong position on human rights" regarding official City of San Francisco sponsorship and financial support for the 1996 Olympic Games.

The HRC had earlier written in this subject. In November, 1982, it wrote the U.S. Olympic Committee to express its belief that denial to sponsors of Gay Games of use of the term "Olympic" in their title was discriminatory.

Further, the draft letter to Mayor Agnos stated, "We welcome your support for strong anti-discrimination provisions on City contracts, and the importance that you have placed on requiring the Olympics to comply with existing non-discrimination provisions in regard to sexual minorities."

With this as background, the Administrative Committee considered the draft letter at its June 22 Meeting, and two sentences were removed (referring to a pertinent ballot proposition). Mr. Nickens asked that the letter as changed be again considered for approval by the HRC at this meeting.

It was then

*****m/s/c that the HRC approve the sending, over the signature of Chairperson Suncin, of the letter to Mayor Agnos commending his human rights position on the issue of San Francisco hosting the 1996 Olympic games. The vote was unanimous.

- Request for Authorization to Send a Letter to KRON-TV, Concurring with the Written Concerns of the Victim Services Advisory Committee for the City Department of Public Health Stating Objections to the Airing of the Morton Downey Jr. Show.

Mr. Nickens noted that the Victim Services Advisory Committee for the Department of Public health (DPH) had written on June 8, 1988, to Dave Wilson, Program Director of KRON-TV in San Francisco, strongly objecting to the airing of the Morton Downey Jr. Show (a syndicated program, not originating locally). The letter states that the Committee "... believe that Downey's racism, homophobia, anti-semitism and sexism only serve to exacerbate intergroup tension."

Mr. Nickens said the Lesbian/Gay Advisory Committee was asking that the HRC authorize two actions:

1. To send a letter from the HRC to KRON-TV echoing the written concerns of the Victim Services Advisory Committee, and
2. To send a letter to the Department of Public Health, applauding its action and offering to work with it in the future on similar actions. He noted that DPH Committee members currently have been meeting with the management of KRON-TV.

Mr. Nickens also said that the HRC Lesbian/Gay Advisory Committee had formally protested the Morton Downey, Jr. Show on radio in 1984 through a similar letter.

Commissioner Morrissey asked who from the HRC staff represents its point of view in such meetings as those with KRON-TV on this issue. Mr. Nickens said that staff already has offered to join the DPH group at KRON-TV, and that if the group wishes to expand in size, it will invite an HRC representative to join it at the next (July 8) meeting scheduled with the TV station.

Because of the changing regular HRC meetings recently, the copy of the letter to KRON-TV from the Victim Services Committee of the DPH was not in the Commissioners' packets, so, at the request of Commissioner David Yamakawa Jr., Mr. Nickens verbally summarized its main thrust, and Jack Casford later read directly from the first two paragraphs.

It was then
*****m/s/c that the HRC authorize the drafting and sending of these two letters as requested by the Lesbian/Gay Advisory Committee.

- Commissioner Morrissey expressed some "concern" about approving the sending of a letter that had not yet been drafted, and he was assured that copies would be provided all members of the HRC.

MBE/WBE/LBE COMMUNITY ADVISORY
Commissioner Rosemarie Fernandez, Chairperson

- No Report.

SOCIAL ISSUES AND POLICE LIAISON
Commissioner Nicerita Revelo, Chairperson

- Committee Report

The Committee met the early afternoon of the HRC meeting, June 30, 1988. It heard a presentation on a report entitled "The Status of Immigrants and Refugees in San Francisco Since the Immigration Reform and Control Act, 1986)," from Emily Goldfarb, Coalition Coordinator, Coalition for Immigrant and Refugee Rights and Services, and William R. Tamayo, an attorney with the Asian Law Caucus, Inc. Ms. Goldfarb and Mr. Tamayo are pivotal members of a group working with Supervisor Nancy Walker, who, in August of 1987, introducted a Board of Supervisors resolution asking that the HRC conduct a survey of the status of immigrants and refugees in San Francisco. The HRC was later sent a set of special Guidelines by Supervisor Walker's office. The Supervisor also has introduced legislation to establish a City-funded Commission on Immigration.

The Social Issues and Police Liaison Committee began to sit in on discussion meetings on the refugee and immigrant work proposed, and in October of 1987 it formed an Ad Hoc Committee on the Study of the Status of Immigrants and Refugees in San Francisco. Some fifteen persons were members, including HRC staff and Director. Mr. Tamayo at that meeting stated that the study had been proposed by himself and others from advocacy groups to support the (proposed) establishment of a City Commission on Immigration.

A funding grant was obtained privately by the Coalition for Immigrant and Refugee Rights and Services and a small staff carried out the survey. The formal report was published May 5, 1988, and was transmitted by the HRC to Supervisor Walker.

At the SI/PL Committee's June 30 meeting, Mr. Tamayo and Ms. Goldfarb discussed the highlights of the status report, and of its findings and recommendations. They reported also that there had been some changes in the original concept, largely that there being insufficient monies for the City to fund a staff and full Commission on Immigration at present, a professional position be funded at the HRC, initially to conduct further research for a limited time.

With this consideration, the Committee voted to invite Ms. Goldfarb and Mr. Tamayo to make a presentation on the status of the immigration and refugee report cited and on current developments involving HRC participation in the future. This presentation will be on the Agenda for the HRC's regular meeting July 14, 1988.

YOUTH AND EDUCATION
Commissioner John C. Morrissey, Chairperson

- Proposed Letter to School Superintendent Ramon Cortines Urging Reinstitution of In-Service Sensitivity Training for Classroom Teachers.

The draft of this letter was provided to each Commissioner. Commissioner Morrissey said the subject of in-service sensitivity training came up in a discussion on Special Education, by Dr. Susan Kwock and her staff. There is over-representation of Blacks in these classes, and an under-representation of Asians, Pacific Islands, Filipinos, and other non-Whites, was due in part to lack of understanding by some referring teachers of culturally-influenced student behavior. Told that the Department of Social Services is developing a culturally-relevant sensitivity training program for its case workers, the Committee voted to recommend that the Superintendent institute a similar one in the San Francisco Unified School District.

It was then
*****m/s/c that the HRC authorize the sending of a letter over Chairperson George Suncin's signature, on the recommendation of the Youth and Education Committee, to School Superintendent Ramon C. Cortines, urging that he give consideration to reinstituting in-service training in human relations mandatory for classroom teachers in the San Francisco Unified School District.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, July 14, 1988 at 5:00 PM (note: not the regular 9:00 AM) in Room 1194(not 1200) in the State Building, 350 McAllister Street, in the Civic Center. This meeting will precede the second of two Public Hearings the HRC is holding to take testimony and make recommendations regarding extension of the 1984 Minority/Women Local Business Enterprise Ordinance, Chapter 12D, and the program implementing it.

	STANDING COMMITTEES
ADMINISTRATIVE	To be announced.
EMPLOYMENT	Thursday, July 7, 1988 9:30 AM 1850 Mission Street (Between 14th & 15th Mission
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, August 16, 1988 5:30 PM Room 1202 State Building 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced.
SOCIAL ISSUES AND POLICE LIAISON	To be announce.
YOUTH AND EDUCATION	Thursday, July 21, 1988 3:30 PM Room 1200, State Building 350 McAllister

NO REMARKS FROM THE AUDIENCE.

ADJOURNMENT.

Respectfully submitted,

Frank V. Anderson, Interim Director
via Jack Casford

FVA:JC:np
[HRC/Min]CORR3

SF
H80
2
7/14/88

DOCUMENTS DEPT.
AUG 8 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of July 14, 1988
Room 1194 State Building
5 PM - 350 McAllister

NEXT MEETING

DATE: Thursday, August 11, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Rabbi Allen Bennett, Samuel Chung, Michael Hardeman, Joe Jung, Larry Martin, John Morrissey, Nicerita Revelo.

Excused: Corrine Lee. Commissioner Yamakawa was not present for the regular meeting but was for the Public Hearing that followed at 6 PM.

Staff

Present: Frank Anderson (Interim Director), Pauline Anderson, Jack Casford, Don Hesse, Norm Nickens, Richard Norton, Carmen Smith, David Treanor, Ponzio Waller, Gary Wong.

Sara Tuttle, Director, Women in Apprenticeship, observer.

Pledge of Allegiance

Minutes of the Meeting of June 30, 1988(the scheduled June 23 meeting had been cancelled) approved with the following corrections and additions:

1. On Page 1, under Staff present, the names of Ed Ilumin, Clemente Newball-Obregon, and Pansy Ponzio Waller should be added.

2. On Page 1 under NEXT MEETING, in the third line in the paragraph beginning "The regular HRC meetings..." the words "public hearings" should be added to read..."Chapter 12D of the City Administrative Code to hold public hearings to evaluate..."

3. On Page 3, in the list of names of persons who honored former Director Mickins at a reception June 23, Hon. Nancy Pelosi's name was incorrectly spelled as Pelocci.

4. Further down on that list, Mr. Claude Everhart's name was incorrectly spelled as Everhard.

5. And in the same list, Mr. Frank Anderson's title is Interim Director. The "r" in Director was omitted.

6. On Page 4, under EMPLOYMENT, in the motion, the words "be adopted" should be added so the motion reads: It was then *****m/s/c that the HRC Affirmative Action Program for Construction Contracts(1988 Revision) be adopted to become effective July 1, 1988.

7. On Page 5, under the last item, "Request for Authorization to Send a letter to KRON-TV...etc." in the second sentence, the word health should have been capitalized, as in Department of Public Health.

8. And on Page 8, under STANDING COMMITTEES, the letter "d" was left off the word "announced" opposite the listing for the SOCIAL ISSUES

COMMUNICATIONS

- To All Departments, from Vicky Zimpel, HRC Senior Contract Compliance Officer, a Memorandum of July 1, 1988 enclosing the revised Affirmative Action Program for Construction Contracts.

- To Commissioner San Jule, from Frank Anderson, Interim Director, a letter expressing the regrets of Commission members and staff that she had resigned June 14, 1988, thanking her for her contributions during her term, and conveying good wishes to her.

- To Supervisor John Molinari, Chair, Finance Committee, Board of Supervisors, from Frank Anderson, Interim Director, requesting the reinstatement of one permanent 2991 Coordinator, Human Rights Commission professional staff position as shown on the revised Budget Review Form from the Budget Analyst's Office. See Mr. Anderson's statements and HRC action under the Administrative Committee section of these Minutes.

- Press Release from the American Bar Association, on the subject of the special summer issue of Barrister Magazine, which salutes 20 young lawyers "..whose work makes a difference." Norman Nickens, AIDS Discrimination Representative at the HRC, is among those cited. Mr. Anderson read this press release in full, and the HRC gave Mr. Nickens a round of congratulatory applause.

- A copy of the Sunday Examiner & Chronicle Help Wanted advertisement for the HRC Executive Director position was circulated, announcing acceptance of applications through July 22, 1988.

NO REPORT OF THE CHAIRPERSON

INTERIM DIRECTOR'S REPORT

Deferred to the Administrative Committee report.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner Lawrence B. Martin, Chairperson

- Proposed Resolution to Support the Mayor's Revenue Package and the Supplemental Appropriation Restoring Budget Cuts in the Human Rights Commission.

The Interim Director called attention to the copy of this proposed Resolution that was provided the Commissioners in advance, saying that action on it as it goes before the Board of Supervisors is a "new requirement" of the Agnos Administration. He introduced David Treanor, HRC Office Manager with budget responsibilities. Also included with informational materials was a copy of a Memorandum to the HRC from Ms. Sally Kipper of teh Mayor's Office. It states that the Mayor's supplemental budget (restoring what are called "C" cuts, which would mean cuts in HRC staff positions) "...technically amounts to a budget increase by the Mayor's office. The City Attorney says that because increases legally must come from commissions, we need resolutions from the commissions supporting the restorations."

Commissioner John Morrissey noted that the proposed Resolution did not mention an Agenda item scheduled for discussion at this meeting on immigration and refugee services, and was told that since it is a function not mandated (required by ordinance), it is not included along with mentions of affirmative action compliance, dispute resolution, etc.

It was then
*****m/s/c that the HRC adopt the Resolution to Support the Mayor's Revenue Package and the Supplemental Appropriation Restoring Budget Cuts in the Human Rights Commission. The full text of this Resolution is attached to these Minutes.

SOCIAL ISSUES AND POLICE LIAISON

Commissioner Nicerita Revelo, Chairperson

- "Report: The Status of Immigrants and Refugees in San Francisco since the Immigration Reform and Control Act, 1986" - William Tamayo, Attorney, Asian Law Caucus, and Steering Committee member, The Coalition for Immigrant and Refugee Rights and Services.

Commissioner Revelo, noting that this presentation had been authorized by the Committee, and that Commissioners had been sent in advance copies of the 31-page report dated May 5, 1988 (with Findings and Recommendations) an overview of the report with background of how the HRC became involved in its preparation, and another overview document entitled "Organization and Management Options for San Francisco's Human Rights Commission Advisory Committee on Immigrants and Refugees."

Mr. Tamayo, was accompanied by Ellen Goldfarb, Coordinator, The Coalition for Immigrant and Refugee Rights and Services.

Following is the chronology of the involvement of the HRC in this issue:

1. August 21, 1987, the Acting Clerk of the Board of Supervisors transmits, on the initiative of Supervisor Nancy G. Walker, draft guidelines for an HRC study on the status of immigrants and refugees in San Francisco.

2. September 16, 1987, Nancy L. Kitz, Legal Assistant to the City Attorney, forwards to Supervisor Walker a draft of an ordinance to establish a Commission on Immigration.

3. October 15, 1987, Director Grant Mickins calls a Special Meeting of the HRC Social Issues and Police Liaison Committee to hear representatives of immigrant and refugee-serving agencies regarding a study in their status. There is established an Ad Hoc Committee on the Study of the Status of Immigrants and Refugees in San Francisco.

4. Northern California Grantmakers fund several positions to conduct the study.

5. Approximately May 1, 1988, the HRC sends a cover letter transmitting the completed study to Supervisor Walker.

6. June 30, 1988, the Social Issues and Police Liaison Committee hears presentation from Ms. Goldfarb and Mr. Tamayo.

Local concerns about services to refugees and immigrants were accentuated by passage in 1986 of the Federal Immigration Reform and Control Act (ICRA) and its impact and implementation locally. It affected the status of hundreds of thousands of residents of the country, and especially the way their job status was determined, i.e. with constratints against employers knowingly hiring undocumented workers.

Mr. Tamayo estimated that San Francisco has an immigrant population of some 200,000 according to a study done by the United Way. He said, further, that the City had been and continues to be ill-prepared for implementation of the ICRA. The Coalition met with Supervisor Walker (see above chronology), who introduced the legislation to create a City-funded, separate Commission on Immigration with supportive staff.

Mr. Tamayo pointed out that New York, Chicago, and Washington, D.C. had been leaders in setting up means to provide information to and assist immigrants and refugees under the new law.

The report under discussion, written by Deeana Jang and Edward Kissam, with the assistance of Tina Avila, lists six Findings and five Recommendations. Mr. Tamayo commented on some of them:

1. It found that "community agencies serving Asian and Latino communities in San Francisco have reported an increase in employment terminations and other forms of discrimination since passage of the ICRA. Mr. Tamayo said there currently is no way to document these alleged abuses. The Congress will be asking for a report on the impact of this new law in the Fall of 1989, to determine if they should extend employer sanction provisions or modify them.

2. There has, according to the report, been minimal training by the City of its departments and supervisors on implementation of the ICRA.

3. The City had done "very little" in the way of public education by means of publications, for example, about the new law. Two seminars were held for City agencies, he said.

4. Many City departments lack awareness of the City of Refuge Resolution passed by the Board of Supervisors in December of 1985 and its implications.

Among the Recommendations touched on:

1. "The City must reaffirm its policy of noncooperation with the Immigration and Naturalization Service (the INS) as stated in the City of Refuge Resolution of 1985 and issue implementing guidelines for the City of Refuge Resolution to ensure that City services are available to all residents of San Francisco."

2. "The City should play an active role in monitoring, documenting, and resolving complaints of discrimination as a result of the ICRA." Mr. Tamayo then stated that "the City should have some sort of unit or mechanism within City government to do this kind of work."

3. The City needs to play an advocacy role regarding state and federal policies affecting immigrants and refugees.

Mr. Tamayo claimed that the City would be eligible for considerable federal funds ($20 to $30 million, he said---the State Legalization Impact Assistance Grant program--- for doing documentation and other work in this area.

4. There should be coordination among City departments and community-based organizations on all education and outreach efforts, advocacy, and service provision.

As to implementation of all this work, Mr. Tamayo said that the Coalition was asking the HRC to: accept the report (the study on The Status of Immigrants and Refugees) and to support its Findings and Recommendations.

He said the next step is to confer with Supervisor Walker and the Mayor's Office on the next steps to implement the latter.

*****Chairperson George Suncin referred the report and its Findings and Recommendations to the Administrative Committee for its discussion and recommendation on final HRC action.

- Commissioner Fernandez asked Mr. Tamayo from where the money would come to provide for staffing and resources should, a separate HRC unit be set up to carry out the Recommendations of the Status of Immigrants and Refugees report. She noted also the current budget deficit crisis and the fact that the Resolution in Support of the Mayor's Supplemental Budget did not include nonmandated HRC functions.

Mr. Tamayo said that the Coalition has been looking for the funds, first with the State of California. However, the Governor deleted a line-item allotment of $75,000 intended for San Francisco City use for this purpose. He said the Coalition proponents are thinking of suggesting "two or three" positions at the HRC, plus a community advisory board, all under an annual suggested budget of $75,000 to $100,000.

As far as time factors in these proposals, Mr. Tamayo expressed concern that Phase II of the ICRA is being implemented subsequent to May 4, 1988 legalization deadline, and the temporary residents are being given an opportunity to adjust their status to permanent residency. The waiting period will be some 18 months, with persons beginning to apply in November upcoming. The deadline for completing the adjustment is one year. He said that because of the lack of adequate notification and public notice about the amnesty program deadline (MAY 4, 1988), it is estimated that only about one-half of those eligible did apply.

Commissioner Rosemarie Fernandez asked about the possible impact of new regulations regarding English-language classes to fulfill the requirement that applicants speak, read, and write English and know something of U.S. history and civics.

Mr. Tamayo said that there is a long waiting list for the available classes (English-As-A-Second-Language). He said that it is feared that many potential applicants and eligibles do not even know they have to have some English proficiency, thereby underlining the need for public information and education.

- Mr. Tamayo was asked to provide the necessary background materials about these proposals to the Administrative Committee, and was invited to attend that meeting, the date for which will be set later.

- Commissioner Nicerita Revelo requested that the Administrative Committee meeting be scheduled as soon as possible for the HRC's August 11 agenda.

- Commissioner Fernandez asked Mr. Tamayo directly to provide the suggested alternative sources for funding for staff (of two or three) for the proposed immigrant-refugee component at the HRC.

EMPLOYMENT

Commissioner David K. Yamakawa Jr., Chairperson

- Committee Report - Carmen Smith, Staff to the Committee.

The Committee met July 7 and considered these items:

1. Stephanie Ureta of the California State Employment Development Department described the Job Search Center program, of which she is a supervisor, and other programs operated by the Employment Development Department.

2. Mary Parker, Census Community Awareness Specialist, was to have made a presentation on the 1990 Census. Because she was unable to attend,

Lilia Medina, of the City Planning Department (the City agency with Census responsibility) and Gail Roberts explained the status of the 1990 Census and articulated concerns of and recommendations for the administration of the 1990 Census. Potential job openings with the Census were discussed. The Employment Committee wishes to schedule a joint meeting with other Standing Committees, particularly Housing and Urban Development and Social Issues/Police Liaison, for Thursday, September 1st, at 9:30 A.M. at 1850 Mission Street to discuss the 1990 Census at length and propose recommendations. Key sections of "A Report on the Community Forum of the 1990 Census" prepared by the Human Rights/Fair Housing Commission of the City and County of Sacramento, dated March 23, 1988, will be circulated in advance to Committee members and other interested persons.

3. Several members of the Employment Committee raised the issue of the Conflict of Interest letter which they received. Kevin Wadsworth drafted and the Committee adopted a letter to be sent to HRC staff requesting clarification of a number of issues related to Conflict of Interest.

The next meeting of the Employment Committee will be Thursday, August 4, at 9:30 A.M.

HOUSING AND URBAN DEVELOPMENT

Commissioners Samuel Chung and Joe Ling Jung, Co-Chairpersons

- Committee Report - Donald Hesse, staff to the Committee

1. Pineview Senior Housing Project. - This project, will provide 70 units of senior-citizen housing on a site over the eastern entrance to the Broadway Tunnel in North Beach San Francisco. This project has involved a ballot measure approving it, litigation to prevent it, and funding problems. The latter were concluded two weeks ago with a final $800,000 gift from a Hong Kong film magnate, and construction will begin soon.

2. International Hotel Housing Project. This highly-publicized and controversial location, on Kearny Street on the eastern edge of Chinatown has had HRC involvement since its days as a five-story brick building providing street commercial use and low-income housing (primarily to single Filipino men). It was acquired by a series of developers, and after much furor, and an eviction operation carried out in 1977 by the Sheriff's Department, Police officers, and with physical opposition by groups opposing eviction on behalf of the residents, it was demolished. Beginning in 1979, a citizen's committee was formed to study use of the site for low-income housing. Many plans have surfaced in the years since, but now it has been announced that the Four Seas Corporation has obtained a demolition permit to tear down the Columbo Building, a landmark triangular office building at the foot of Columbus Avenue, as part of a plan to construct 120 units, of low-income, on the site of the old International Hotel. Still pending is a decision by the Internal Revenue Service in Washington, D.C., regarding tax credits that are part of the finance package, said Mr. Hesse.

3. Hastings Law School Block(McAllister Street, between Hyde and Larkin, north side). Hastings Law School owns this piece of land, which contains apartment and hotel living units, some 254 in number. In 1977 and 1978, when Hastings proposed demolition of the area for its own construction projects, the HRC opposed it officially, and called for adequate relocation of persons displaced by other Hastings evictions in property owned on Golden Gate Avenue. The units have remained.

Hastings is now obligated to repay the loans it obtained to purchase the property on McAllister, and it has issued a Request for Proposal to private developers for a long term lese or purchase and probable demolition of the block.

The community is asking the City to change the zoning on that block which will make it financially infeasible to demolish and develop there. There are also efforts to find a private purchaser(non-profit) who would retain the low-income housing units.

Mr. Hesse said this issue would most likely be before the HRC again within the next three months.

4. "A Guide to Your Rights---for Tenants and Landlords." This information booklet has been distributed by the HRC since 1983, when Chevron Oil paid for a first printing of 75,000 in English, Chinese, Spanish, and Tagalog. By 1986, some 10,000 had been distributed. Pacific Bell last year funded the printing costs for 25,000 copies in English. In 1987, the San Francisco Foundation funded the printing of 6,000 copies in major Southeast Asian languages. Again, thanks to Pacific Bell, new supplies of the booklet in Chinese and Spanish are imminently available.

To Commissioner inquiries about distribution, Mr. Hesse reported that they are always free, that the Rent Stabilization Board and such community organizations as St. Peter's Housing Committee in the Mission District are distributing them as well.

MBE/WBE/LBE COMMUNITY ADVISORY
Commissioner Rosemarie Fernandez

Announcement of Second Public Hearing

As earlier and elsewhere announced, this Public Hearing on the so-called "sunset clause" (extension or expiration) of Chapter 12D of the City Administrative Code, the MBE/WBE/LBE Program, was held at 6:00 P.M., immediately following the regular HRC meeting of this date.

NO NEW MATTERS

CALENDAR MATTERS

In the months of July and August, the HRC holds only one meeting each. The next regular meeting of the HRC will be Thursday, August 11, 1988 at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	Tuesday, August 7, 1988 4:00 P.M. - 5:30 P.M. Human Rights Commission Office
EMPLOYMENT	Thursday, August 4, 1988 9:30 A.M. 1850 Mission Street (Between 14th & 15th)
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, August 16, 1988 5:30 PM Room 1202 State Building 350 McAllister

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, July 21, 1988 4:30 P.M. 1095 Market Street, Rm. 712
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, July 21, 1988 3:30 PM 1095 Market Street, Rm. 712

NO REMARKS FROM THE AUDIENCE.

ADJOURNMENT.

Respectfully submitted,

Frank V. Anderson, Interim Director
via Jack Casford

FVA:JC:np
Attachment

[HRC/Min]CORR3

F
80
2
11/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, August 11, 1988

NEXT MEETING

DATE: Thursday, September 8, 1988
TIME: 9 AM
PLACE: Room 1200 State Building
350 McAllister Street, Civic Center
San Francisco, CA 94102

DOCUMENTS DEPT.
AUG 26 1988
SAN FRANCISCO
PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: George Suncin (Presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, Larry Martin, John Morrissey, Nicerita Revelo, and David K. Yamakawa.

Excused: Rosemarie Fernandez, Corrine Lee, and Michael Hardeman.

Staff:

Present: Frank Anderson (Interim Director), Linda Chin, James Fields, Don Hesse, Veronica Ng, Norm Nickens, Gail P. Roberts, Mary Gin Starkweather, David Troyer (intern), and Pansy Ponzio Waller.

PLEDGE OF ALLEGIANCE

There was no Pledge of Allegiance as the meeting room does not provide a flag; however, the Chairperson noted that the Commission would soon have a flag.

MINUTES

The Minutes of the Meeting of July 14, 1988 were approved as mailed

COMMUNICATIONS

- To Frank Anderson, Interim Director, from Mayor Art Agnos, a letter dated July 12, 1988, expressing appreciation for Ed Ilumin's handling of a case of sexual harassment and discrimination

- To Members, Boards and Commissions, Department Heads City and County of San Francisco, from Burk E. Delventhal, Randy Riddle, Deputy City Attorneys, a memorandum of July 14, 1988, regarding Conflict of Interest laws.

- To All Boards, Commissions and Department Heads, from Louise H. Renne, City Attorney, Randy Riddle, Deputy City Attorney, a memorandum of July 15, 1988 regarding Proposition 73 which provides that no newsletter or other mass mailing shall be sent at public expense.

- To Don Hesse, HRC Coordinator, from Assemblyman John Burton, a letter dated July 18, 1988, conveying appreciation for the especially compassionate and timely effort made on behalf of a constituent.

- Press Release from Paul Thurston, Thurston-Schotl Law Office, Frederick C. Hertz, Law Offices of Timothy Tosta, received July 19, 1988, announcing a landmark $150,000 settlement from the former landlord sued for wrongful eviction and AIDS-based discrimination under San Francisco's Rent Ordinance and AIDS anti-discrimination Ordinance (Article 38 of the Municipal Code).

- To Frank Anderson, Interim Director, from Eric Jue, Senior Recruiter/Counselor, Chinese for Affirmative Action, a letter dated July 19, 1988, conveying his thanks for the assistance received from HRC staff during his employment.

- To Frank Anderson, Interim Director, from Loan Nguyen, HRC Clerk Typist, a letter of resignation dated July 21, 1988, to be effective August 5, 1988.

_ To Individuals and Agencies interested in Employment Training and Job Placement, from Larry Del Carlo, Director of the Mayor's Office of Community Development, a memorandum of August 2, 1988, announcing a public hearing on August 24, 1988 to be held by the Resident Job Training and Placement Committee.

- To All Department Heads, from Mayor Art Agnos, a memorandum of August 5, 1988, announcing the continuation of the Employee Recognition Program to honor City employees for their excellence.

- A copy of the San Francisco Human Rights Commission's booklet for Tenants and Landlords available in Chinese.

CHAIRPERSON'S REPORT

NO REPORT

INTERIM DIRECTOR'S REPORT

Here follows Frank Anderson's verbatum remarks:

I. I attended the 40th Anniversary Conference of the International Association of Official Human Rights Agencies in Austin, Texas from July 24-28, 1988. The conference's theme was "Building on 40 years of Experience... the Future of Civil Rights. It was attended by approximately 250 delegates from the United States and Canada, primarily representing government human rights agencies. This annual event was co-sponsored this year by the City of Austin Human Rights Commission and the Texas Commission on Human Rights. John Darrouzet and Bill Hale of these two respective commissions with their staff made the Texas hospitality a satisfying reality:

IAOHRA is a very dynamic organization whose purpose is:
- to foster affirmative action programs
- to bring about full equality of opportunity and treatment,
- to assist its member agencies to achieve their purposes, and
- to improve their services within the areas of their responsibilities.

The organization is headed by a dynamic, charming, dedicated presisident, Joyce E. Tucker, Executive Director of the State of Illinois Department of Human Rights. She invited the delegates to reflect upon many accomplishments in our respective communities, but urged us to direct our attention to our future goals. We must never tire of enforcing equality for those whom we represent.

The conference provided an opportunity for professional to come together to exchange information, plan strategies and develop cooperative services. More importantly, IAOHRA provides a vehicle to take a public position on issues of concern or behalf of the member agencies.

It was a very well planned, organized and successful conference. It was a full agenda each day that generally started from 7:30 A.M. and ended at 10:00 P.M., with a variety of activities. The workshops, meetings and other activities addressed a wide spectrum of issues and concerns.

Examples National Civil Rights Agenda.
Role & Responsibilities of Commissioners.
AIDSs Discrimination: A New Frontier
School Desegregation in the 80's
Private Club Discrimination: An Issue Whose Time Has Come.
Economics of Discrimination: Changes Since the 60's and Projections to the Year 2000
Fair Housing Law
Fair Employment Law
Federal Civil Rights Enforcement Update
Immigration Control and Reform Act and EEO Law.
Sexual Harassment in the Workplace.
Discrimination Because of Handicap.
Selection Criteria in Hiring and Promotions.

The participants included a who's who in human rights/relations:

- Congressman Henry B. Gonzalez, Texas
- Peter C. Robertson, Attorney & Consultant, Washington, D.C.
- David Nexon, Senior Health Policy Advisor, Staff of Senator Edward Kennedy, Washington, D.C.
- James Troy, Director, Office of Program Operation, U.S. Equal Employment Opportunity Commission.
- Judith Brachman, Assistant Secretary for Fair Housing and Equal Opportunity.
- Gonzalo Barrientos, Texas State Senator
- Ray Marshall, Former Secretary of U.S. Dept. of Labor/Prof. at LBJ School of Public Affairs.
- Judge Alcee Lamas Hastings, U. S. District Judge of Florida.
- and others.

Aside from these celebrities/guest speakers, I was inspired and energized by:

Homer Floyd, Pennsylvania, HRC
Arthur Green, Connecticut, HRC
Dan McIntyre, Ontario, HRC.
Delia Martinez, Nevada Equal Rights Commission
Chimbo Poe-Mutuma, Toronto, Ontario Housing Authority
Erna Aparicio, Phoenix, Arizona Equal Opportunity Dept.
Ronald Johnson, Oklahoma Human Rights Commission
Dr. Jimmie Morris, North Carolina Human Relations Council
Frank Thomas, Richmond County (Augusta, GA) HRC
Albert Nelson, Orlando, HRC
Janet Bradley - Alaska, HRC
Earl Williams, City of Cleveland, HRC

The calibre of dynamic veteran civil rights activist Alex Rodriguez, Chairman of Massachusetts Commission on Discrimination.

The interest, commitment and vitality of talented young Commissioner Eli Valenzuela of Nebraska Equal Opportunity Commission.

The organization (IAOHRA) has a very able Executive Director, Pete Ward coordinating services in the Washington, D.C. headquarter office.

The conference was a very rewarding and inspiring experience I have been requested by the President, Ms. Tucker, to assist its organization with some tasks, which I have agreed to do.

II. Mr. Anderson announced that the legislation by Supervisor Hongisto to specify pre-award review of City contracts by the HRC., Section 6.55 of the San Francisco Administrative Code, has been amended to grant to the HRC the authority to review contracts prior to award, but not require the Commission to review contracts. Mr. Anderson explained that he had pointed out to Supervisor Hongisto and the members of the Human Services Committee the logistical difficulties the HRC would have experienced in trying to implement Section 6.55 as originally worded. The proposed legislation was passed out of Committee to the Board for action.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner Lawrence B. Martin, Chairperson

- Recommendation of Personnel Search Committe

This item was deferred until the end of the agenda when it could be taken up in executive session.

- Resolution to receive and accept funding from the Mayor's Office of Community Development

It was

***m/s/c that the HRC adopt the Resolution of the Human Rights Commission of San Francisco to receive and accept funding from the Mayor's Office of Community Development. The full text of this Resolution is attached to these Minutes.

- Report on input regarding the direction of the HRC

Mr. Anderson explained that the Mayor of San Francisco, the Honorable Art Agnos, has been seeking advice and counsel as to the direction, focus, and operation of the Human Rights Commission. To this end, three mini task forces were established to solicit ideas for the Mayor. The first of these was composed of the three former directors of the HRC: Frank Quinn, Bill Becker and Grant S. Mickins and focused on the philosophical view of the Commission. Frank Anderson commented on the unanimity of views expressed by the former director who among them spanned nearly twenty-five of agency operation. The second mini task force focused on program operation and consisted of current and former Commissioners, members of standing committees, community representatives, Friends of the HRC, and current and former HRC staff. The third mini task force had advocates from ten different point of view: immigration, housing and urban development. employment/contract compliance, MBE/WBE/LBE, Lesbian/Gay AIDS/ARC, Police Liaison/Social Issue, Youth & Education, Women's Issues, Religious, and Intergroup.

Frank Anderson pointed out that the Human Rights Commission operates through standing committees at which anyone can present issues. The Commission agenda also has Remarks from the Audience at which time anyone may speak. The HRC is very open to input. The public is welcomed to attend Commission and Committee meetings and encouraged to participate.

- Proposal to Establish an Immigrants and Refugees Rights Unit within the HRC

Commissioner Suncin clarified that the issue before the Commission and that which had been presented to the Administrative Committee, at its August 9th meeting, was the acceptance of the "Report: The Status of Immigrants and Refugees in San Francisco since the Immigration Reform and Control Act, 1986".

It was then

***m/s/c/ to ratify the action of the Administration Committee to accept the Report. Commissioner Yamakawa voted no.

EMPLOYMENT

Commissioner David K. Yamakawa, Jr., Chairperson

- Request for an Amicus Brief in the case of Sergeant Perry J. Watkins v. the U. S. Army.

The Employment Committee, at its August 4, 1988 meeting, voted that the City Attorney of San Francisco be requested to submit an Amicus Brief in the case of Sergeant Perry J. Watkins v. United States Army. The United States Army has requested a rehearing of an opinion issued by three judges of the United States Court of Appeals for the Ninth Circuit requiring the Army to consider Watkins' re-enlistment application without regard to his sexual orientation.

The HRC received information that if the 11-judge panel upholds the earlier 3-judge decision, Watkins' could provide a ruling that all forms of governmental discrimination on the basis of sexual orientation should be unconstitutional and subject to "strict scrutiny by reviewing courts. Such a decision would effectively, prohibit govermental discrimination in housing, public assistance, benefits, employment, loans and all other areas where federal, state, and local governments attempt to treat Lesbians and Gay men differently from heterosexuals, it was stated.

In response to a question by Commissioner Morrissey, Norm Nickens stated that the Watkins v. U. S. Army case has profound implications for public sector employment of Lesbians and Gay men.

It was then

*** m/s/c that the City Attorney of San Francisco be requested to submit an Amicus Brief in the case of Sergeant Perry J. Watkins v. the United States Army and that a letter be directed to Mayor Agnos urging that his office join with the Commission in requesting the City Attorney to file an Amicus Brief.

- Request for endorsement of H. R. 3828 (Matsui) which provides for detailed tabulations of Asians and Pacific Islanders

The Employment Committee, at its August 4, 1988 meeting, voted to endorse H. R. 3828 (Matsui) which provides for detailed tabulations relating to Asians and Pacific Islanders in the decennial censuses of population.

In response to Commissioner Morrissey's question as to why the groups to be tabulated were not specified, Commissioner Yamakawa responded that this was because this issue is still under discussion.

It was then

*** m/s/c to endorse H.R. 3828 (Matsui) and to transmit a formal request to the Board of Supervisors that the City and County of San Francisco endorse this legislation and communicate that endorsement.

- Committee Report

Commissioner Yamakawa reported that the Employment Committee heard a presentation on the 1990 Census by Mary Parker, Census Community Awareness Specialist, who is the only Community Specialist located in Northern California. The Committee will continue to discuss the Census at its September 1st meeting. H.R. 3511 was also discussed; however, the Committee requests additional information prior to taking action.

LESBIAN/GAY ADVISORY

Commissioner Rabbi Allen B. Bennett, Chairperson

- Committee Report

Norm Nickens, AIDS Discrimination Representative, stated that the Report of the Presidential Commission on the Human Inmunodeficiency Virus Epidemic contained, as its first recommendation, the need for federal anti-discrimination protection. However, the President, at his August 2, 1988 press conference, argued that federal protection was unnecessary because Los Angeles, New York and San Francisco were doing an excellent job at the local level.

YOUTH AND EDUCATION

Commissioner John C. Morrissey, Chairperson

- San Francisco Youth Fair

Pansy Ponzio Waller, Committee staffer, reported that the HRC, along with other City and County departments, have been invited by the Mayor's Office to participate in the Youth Fair to be held September 3rd, 4th, and 5th in Civic Center Plaza. The Youth Fair is being sponsored by and is taking the place of the San Francisco Urban Fair. The HRC will have a booth and will conduct outreach Mrs. Waller requested volunteers to help staff the booth. Commissioner Suncin offered to help.

NEW MATTERS

Frank Anderson announced that the HRC held a workshop on Monday, August 8, 1988 to explain to potential bidders the major revisions to its recently revised Affirmative Action Program for Construction Contracts. Mr. Anderson noted that Supervisor Wendy Nelder dovetailed with the HRC a meeting to discuss proposed legislation which would impact on construction contractors. Mr. Anderson commended Commissioners Michael Hardeman and Larry Martin for their role as facilitators and conciliators with the construction contractors.

CALENDAR MATTERS

The HRC holds only one meeting in August. The next regular meeting of the HRC will be Thursday, September 8, 1988 at 9:00 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	To be announced
EMPLOYMENT	Thursday, September 1, 1988 9:30 AM 1850 Mission Street (Between 14th and 15th)
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, August 16, 1988 5:30 PM Room 1202, State Building 350 McAllister Street

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, August 18, 1988 5:30 PM Room 712, 1095 Market Street
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, September 15, 1988 3:30 PM Room 1200 State Building 350 McAllister Street

REMARKS FROM THE AUDIENCE

- Pansy Ponzio Waller, HRC Contract Compliance Officer I, announced that Supervisor Willie B. Kennedy's contract bonding exemption legislation has been scheduled for the August 16, 1988 meeting of the Governmental Operations Committee. Commissioner David Yamakawa observed that the Commission should take a formal stand on the recommendations concerning bonding and issurance. Frank Anderson responded that the HRC has endorsed the general concept. Mrs. Waller summarized the background of the recommendations contained in "Between a Rock and a Hard Place", a study of bonding and insurance required, commissioned by the HRC and conducted by Aileen Hernandez Associates.

EXECUTIVE SESSION

The Commission went into executive session to consider the recomendation of the Personnel Search Committee.

The Commission voted unanimously to accept the Personnel Search Committee's report and recommendations, regarding filling the position of Executive Director of the Human Rights Commission. The report and its recommendations will be forwarded to the Mayor for his consideration.

ADJOURNMENT

Respectfully submitted,

Frank V. Anderson, Interim Director
via Gail P. Roberts

FVA:GPR:bct

[HRC Min/5/26/88]CORR3

the Census at its September 1st meeting. H.R. 3511 was also discussed; however, the Committee requests additional information prior to taking action.

LESBIAN/GAY ADVISORY

Commissioner Rabbi Allen B. Bennett, Chairperson

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF THE HUMAN RIGHTS COMMISSION
OF SAN FRANCISCO
TO RECEIVE AND ACCEPT FUNDING FROM THE MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT

WHEREAS, the Human Rights Commission, since 1979, has monitored all construction contracts funded by the Community Development Block Grant (CDBG), and has implemented the Fair Housing Program under Chapter 12A of the Administrative Code; and

WHEREAS, the HRC has been continuously funded since 1980 by the Mayor's Office of Community Development for contract compliance monitoring, and since 1979 for its Fair Housing Program; and

WHEREAS, the HRC's contract compliance monitoring function has been a significant factor in expanding contracting opportunity for minority and women-owned businesses in this community in the cumulative amount of over $15 million in construction contracts and subcontracts and in employment of hundreds of minorities and women in the trades; and

WHEREAS, the Fair Housing Program staff have provided counseling, assistance, and vital housing information to hundreds of individuals and families; and

WHEREAS, the HRC has submitted formal funding proposals to the Mayor's Office of Community Development for its Fiscal 1989 (January-December) in the amount of $67,075 for the Contract Compliance component, and $68,561 for the Fair Housing Program;

NOW, THEREFORE, BE IT RESOLVED THAT THE HRC, upon approval for these funding proposals by MOCD, receive and accept the cited funds, so that its vital contract compliance and fair housing services may continue into Fiscal 1989.

DH:pa
[Lts]KP2-8

Resolution: 5-88
Adopted by the HRC: 8-11-88

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

SF
480
12
/8/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, September 8, 1988

DOCUMENTS DEPT.
SEP 22 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, September 22, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center
San Francisco, CA 94102

ROLL CALL

Commissioners

Present: George Suncin (presiding), Rabbi Allen Bennett, Samuel Chung, Rosemarie Fernandez, Joe Jung, Corrine Lee Larry Martin,John C.Morrissey, and David K. Yamakawa, Jr.

Excused: Michael Hardeman and Nicerita Revelo.

Staff

Present: Frank Anderson (Interim Director), Don Hesse, Norm Nickens, Dick Norton, Gail Roberts, Carmen Smith, David Troyer (Intern), and Vicky Zimpel.

Guests: Mara Rosales, Deputy City Attorney, and Sara Tutle, Women in Apprenticeship.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Minutes

The Minutes of the Meeting of August 11, 1988 were approved with the correction that Commissioner David Yamakawa, in the Remarks from the Audience section, observed that the Commission should take a formal stand on the legislation resulting from the recommendations concerning bonding and insurance rather than taking a stand on the recommendations. Commissioner Yamakawa pointed out further that Frank Anderson responded that the HRC has endorsed the recommendations, not the general concept.

COMMUNICATIONS

- A copy of a letter to Stephen Taber of Hensen, Bridget, Marcus, Vlaho and Rudy from William A. Witte, Deputy Mayor, dated August 18, 1988 stating that among the steps, which need completion prior to construction on Pan Magna Plaza (the former site of the International Hotel), is: Human Rights Commission approval of the general contractor and subcontractors. Because the project will receive City funds, the contractor must comply with the minority and women business enterprise requirements and affirmative hiring goals.

- To Departmental Affirmative Action Officers from Dorothy Yee, Civil Service Commission EEO Unit, a memorandum of August 18, 1988, regarding special recruitment for firefighters.

- To Members of Bond Committee from Scott Hauge, Chairperson, a memorandum of August 19, 1988, transmitting a memorandum from Julie Van Nostern, Deputy City Attorney, and a copy of bonding exemption legislation proposed by Supervisor Kennedy.

- A copy of a letter to Rosalyn Koo, Pineview Housing Corporation, from William A. Witte, Deputy Mayor, dated August 25, 1988, stating that Pineview Housing Corporation is not in compliance with the City's affirmative action and nondiscrimination requirements.

- A copy of a letter to Community Groups from Frederick F. Postel, Chief of Department, dated August 30, 1988, describing two changes in the application process for H2 entry level firefighter position.

- To Frank Anderson, Acting Director, from Commissioner Isabel Huie, Commission on the Status of Women, a letter dated August 30, 1988 enclosing a poster publicizes COSW's comprehensive resource handbook on sexual harrassment, "How to Create a Workplace Free of Sexual Harrassment."

- To Vicky Zimpel, Senior Contract Compliance Officer, from Gordon H. McKay, Director, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, a letter dated August 29, 1988, thanking her for her participation as a Minority Business Enterprise panelist during the training sessions for Community Development Block Grant Program grantees held in August.

- Copies of three newspapers articles and a San Francisco Chronicle editorial responding to the negotiated settlement between the HRC and Shanti Project concluding a complaint of non compliance filed by HRC staff. (See the Interim Director's report for more information).

- A copy of an invitation from the Associated General Contractors of California, Inc. to the fifth annual Public Officials Appreciation Dinner to be held September 15, 1988.

- Copies of minutes and agendas received from five human relations commissions and two newsletters received since the previous HRC meeting.

CHAIRPERSON'S REPORT

There was no report.

INTERIM DIRECTOR'S REPORT

Frank Anderson described an unusually busy summer for staff. The HRC weathered the FY88-89 budget process without experiencing any staff layoffs. The HRC held two public hearings on the extension of the MBE/WBE/LBE Ordinance. Staff have been involved in a variety of activities. One particularly demanding example was the investigation of the complaint against the Shanti Project. Mr. Anderson noted that an editorial in the Chronicle commended the HRC for its handling of the complaint.

Norm Nickens, AIDS Discrimination Representative, reported on the investigation he conducted of Shanti Project, following the filing on March 30, 1988 of an official complaint of noncompliance charging discrimination on the basis of race and sex. Mr. Nickens noted that he had conducted in excess of 50 interviews over a four month period and had reviewed personnel records and analyzed work force reports. The settlement agreement between the HRC and Shanti is two part: 1. the HRC Report of Investigation and Mediation of Complaint filed under Administrative Code Chapters 12A and 12B, and 2. Shanti Project Board of Directors Statement August 30, 1988.

At background for the Commissionrs, Norm Nickens explained that the San Francisco Health Commission, which provides one-third of the Shanti's $3.2 million budget, funded Shanti through 9/30/88 in action taken in May of 1988. As its September 6, 1988 meeting, the Health Commission funded Shanti through 1/3/89 to allow them the opportunity to rebuild the confidence of the Commission. The first San Francisco City contract to Shanti was in 1982. In 1988 Shanti had 75 paid staff and a total budget of 3.2 million dollars.

Mr. Nickens distributed a one page summary of the settlement to the Commissioners for their information.

Frank Anderson explained that the agenda items listed under certain committees had not been formally acted upon by those committees, but were within their domain.

EMPLOYMENT

Commissioner David K. Yamakawa, Jr., Chairperson

- Request for adoption of recommendations for the 1990 Census.

Commissioner Yamakawa explained that the Employment Committee, at its September 1st meetings had adopted recommendations for the 1990 Census for action by the Commission. These recommendations were as follows:

1. Recommend that the Census Bureau continue to network with governmental and community agencies to ensure that those groups such as the poor, homeless and ethnic minorities, which have been historically undercounted, are included in the 1990 Census.

2. Recommend that the Census Bureau conduct an extensive educational campaign on the 1990 Census questionnaire that will stress and document the confidentiality of specific and individual census information and, further, help encourage the illiterate and non-English speaking to fully participate in the 1990 Census.

3. Recommend that the Census Bureau include questions that allow respondents with disabilities to identify their type of disability (i.e. speech, visual, hearing, physical, developmental) and their service needs; and to elicit adequate demographic data.

4. Recommend that the Census Bureau use the 1980 Census questionnaire, thereby allowing Asian and Pacific Islander ethnic subroups to check off their respective ethnicity, as opposed to writing in their ethnicity as on the proposed questionnaire for the 1990 Census.

5. Recommend that the Census Bureau formally identify the homeless as such in the 1990 Census questionnaire; and solicit sufficient information on the quality of low-income housing and overcrowding.

6. Recommend that the Census Bureau identify those who cannot find employment in their field and those who are in training in order to collect potential work force data.

7. Recommend against the manual coding of responses because it compromises the accuracy and timely release of census data.

8. Recommend that published census data encorporate the over or under-counting attributed to the error factor when this data is to be used as the foundation for policy and funding decisions.

It was then
***** m/s/c to adopt these recommendations, forwarding them to the U.S. Census Bureau and sharing them with interested parties.

- Request for Opposition to State Proposition 96, the "Block" Initiative.

Commissioner Yamakawa reminded the Commissioners that the HRC itself cannot take stands on legislation or ballot propositions; however, the

Commission is being requested to request the Board of Supervisors to oppose State Proposition 96.

It was then
***** m/s/c that the Human Rights Commission request the Board of Supervisors to consider opposition to State Proposition 96, the "Block" Initiative.

- Request for Opposition to State Proposition 102, the Dannemeyer AIDS" Initiative.

It was
***** m/s/c that the Human Rights Commission request the Board of Supervisors to consider opposition to State Proposition 102, the "Dannemeyer AIDS" Initiative.

- Request for Endorsement of State Proposition 97, the "Cal-Osha" Initiative.

It was
***** m/s/c that the Human Rights Commission request the Board of Supervisors to consider endorsement of State Proposition 97, the "Cal Osha" Initiative.

HOUSING AND URBAN DEVELOPMENT

Commissioners Samuel Chung and Joe L. Jung, Co-Chairpersons

- Committee Report: New Federal Fair Housing Amendments (Civil Rights Act of 1988)

Commissioner Joe L. Jung introduced Don Hesse, Coordinator, who made the Committee report. Mr. Hesse explained that, when the Fair Housing Act was passed in 1968, it did not go through the committee process and was not the subject of debate. The Commissioners were reminded that Dr. Martin Luther King, Jr. was killed that month. One of the responses to the riots which followed was the passage of the Fair Housing Act. Congressman Don Edwards and Senator Ted Kennedy were among the principal authors of the Civil Rights Act of 1988 which amended the 1968 Fair Housing Act. Among the supportives of his legislation were President Reagan, Vice President Bush, the Black Leadership Forum, NAACP, and the National Association of Realtors. This bill passed the Senate by a vote of 94 to 3.

Don Hesse described the two major additions to the protected classes of the Fair Housing Act of 1968: the addition of 1. mental and physical handicap and 2. familiar status. San Francisco was the first jurisdiction to include protection for families with children in 1973. In explaining the procedural changes, Mr. Hesse noted that previously the U.S. Department of Housing and Urban Development was only allowed to conciliate housing complaints. The limit on punitive damages was one thousand dollars. The penalties have been increased to $10,000 for the first offense and up to $50,000 for the third offense within seven years. Either party can elect to have the case tried in Federal Court rather than by an Administrative Law Judge. The Department will represent the party in court. Parties can still hire private attorneys.

Don Hesse explained that there is an exception for senior citizens residences which permits no children. Within two and a half years, for apartments in excess of four units and for public housing, new units have to be accessible to the handicapped. Private landlords must allow handicapped to make structural changes at their own expense.

Because San Francisco already has law prohibiting discrimination against children, the Civil Rights Act of 1988 will not have a major impact; however, it will encourage landlords to comply because it is

YOUTH AND EDUCATION

Commissioner John C. Morrissey, Chairperson

- Youth Fair

David Troyer, an intern from the University of California at Santa Cruz, reported on HRC's participation in the San Francisco Urban Fair sponsored Youth Fair which was held in Civic Center Plaza over the three day Labor Day week-end. HRC brochures and posters and flyers developed for the occasion were displayed as were pictures drawn by elementary school children on fair housing. Video tapes of the "I have a dream speech" and the Eyes on the Prize series were shown.

Commissioner David K. Yamakawa, Jr. and Youth and Education Committee members Dr. Ron Cole and John Wilson were thanked for their participation. Frank Anderson expressed appreciation to David Troyer and for the work of Gail Roberts.

NEW MATTERS

Commissioner Rabbi Allen B. Bennett noted that he had just learned that Jack Casford had retired from the HRC staff.

It was then
***** m/s/c that the Human Rights Commission thank Jack Casford for his services and send a communication conveying the gratitude of the Commission.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, September 22, 1988 at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	To be announced.
EMPLOYMENT	Thursday, October 6, 1988 9:30 A.M. 1850 Mission Street (Between 14th & 15th Sts.)
HOUSING AND URBAN DEVELOPMENT	Tuesday, September 27, 1988 3:00 P.M. Room 509, 1095 Market Street
LESBIAN/GAY ADVISORY	Tuesday, September 27, 1988 5:30 P.M. Room 1202, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Tuesday, September 27, 1988 Room 1159, State Building 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	To be announced.

federal law. If a complaint is within a local jurisdiction and that jurisdiction has been certified as having a substantially equivalent law, the complaint is to be referred to the local agency.

Commissioner Rosemarie Fernandez explained that the Act will take effect 180 days after being signed. The implementing Rules and Regulations have to be developed. Norm Nickens noted that the attempt to delete AIDS from the definition of handicapped was defeated.

Commissioner John C. Morrissey inquired as to whether funds would be available to local jurisdiction for complaint investigation. Don Hesse responded that the State of California has been deemed to have a substantially equivalent law and they are funded on a case by case basis.

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioner Rosemarie Fernandez, Chairperson

Commissioner Fernandez introduced Vicky Zimpel, Senior Contract Compliance Officer, who presented the Informational Report from the Contract Compliance Unit.

- Pineview Housing Project Compliance Update

Vicky Zimpel explained that the HRC's housing unit was involved in developing housing for this site. Amaroso Construction Company was the low bidder for the construction of housing. Currently, there is no MBE participation because the standards for lower tier contracting and for small disadvantaged firms were not met. The start of construction has been delayed for this and other non-connected reasons.

Veronica Ng is monitoring this project.

- CDBG Funds Training Compliance Report

Vicky Zimpel explained that the HRC has been receiving Community Development Block Grant funds for years to monitor construction and remodeling of facilities for non-profit agencies. These are small residential construction jobs. The MBE participation has been 50 to 60 percent, while the WBE participation has been three to four percent. LBE participation on these contracts is approximately 80 percent. Minority and women employment has also been high.

The U.S. Department of Housing and Urban Development put together training conferences for communities in Northern California to assist them in meeting HUD's MBE/WBE requirements. Ms. Zimpel participated in the training panel.

In response to an inquiry, Ms. Zimpel responded that the WBE goal had been two percent; therefore, three to four percent participation is really quite high. There had never been a WBE general construction contractor in a City job until approximately one month ago.

- Revised AAP for Construction Contracts

Vicky Zimpel stated that the revised Affirmative Action Program for Construction Contracts is in place. HRC staff met with every department and held a training session in which approximately 100 department representatives and contractors participated.

Mrs. Zimpel passed out a three page computer print out analyzing the results of HRC monitoring of construction and architectural and engineering contracts for a two year period. She noted that the HRC went on the computer main frame in July of 1986 and there is now a fast turn around for data.

TIME: 9 AM

YOUTH AND EDUCATION

Thursday, September 15, 1988
3:30 P.M.
Room 1200, State Building
350 McAllister Street

REMARKS FROM THE AUDIENCE

None.

EXECUTIVE SESSION

The Commission went into executive session with Mara Rosales, Deputy City Attorney to consider settlement finalization of CCSF vs. Piombo, Apex (Superior Court No. 844-672.) The Commission approved the settlement agreement by unanimous vote.

ADJOURNMENT

Respectfully submitted

Frank V. Anderson
Interim Director
via Gail P. Roberts

FVA:GPR:np

HRC/Min[CORR3]
9/15/88

* * * * *

have to be developed. [illegible] [illegible] [illegible] that the attempt to [illegible] [illegible]

180
2
/88

DOCUMENTS DEPT.
OCT 6 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 22, 1988

NEXT MEETING

DATE: Thursday, October 13, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center
San Francisco, CA 94102

ROLL CALL

Commissioners

Present: David K. Yamakawa, Jr. (presiding), Rabbi Allen Bennett, Samuel Chung, Michael Hardeman, Joe Ling Jung, Corrine Lee, and Nicerita Revelo.

Excused: Rosemarie Fernandez, Larry Martin, John C. Morrissey, and George A. Suncin.

Staff

Present: Frank Anderson (Interim Director), Linda Chin, Don Hesse, Dennis Macheel (Intern), Norm Nickens, Dick Norton, Gail P. Roberts, David Troyer (Intern), Pansy Ponzio Waller, and Vicky Zimpel.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MINUTES

The Minutes of the Meeting of September 8, 1988, were approved as mailed.

COMMUNICATIONS

- To Frank Anderson, Interim Director, from Frank M. Jordan, Chief of Police, a letter, dated August 16, 1988, transmitting the San Francisco Police Department's 1986-87 Annual Report.

- To Frank Anderson, Interim Director, from Mayor Art Agnos, a letter, dated September 12, 1988, transmitting a copy of the Report on the June 2nd Symposium on Substance Abuse.

- To the Human Rights Commission from Congresswoman Nancy Pelosi, a letter, dated September 13, 1988, transmitting "A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records". Congresswomen Pelosi stated that she had received periodic requests from constituents and lawyers in San Francisco who are interested in obtaining copies of their federal records.

- To Jack Casford from Chairperson George Suncin, a letter dated September 22, 1988, conveying a formal thank you for twenty years of dedicated service as an employee of this department, upon his retirement. This letter, a copy of which is attached, was read in full by Acting Chairperson David K. Yamakawa, Jr.

CHAIRPERSON'S REPORT

There was no report

INTERIM DIRECTOR'S REPORT

Frank Anderson introduced Pansy Ponzio Waller, Contract Compliance Officer I, who discussed proposed legislation to change bonding requirements. Ms. Waller distributed copies of two proposed amendments to Chapter 6 of the San Francisco Administrative Code by Supervisor Willie B. Kennedy: 1. establishing a one year pilot program which will remove the requirement for performance or labor/materials bonds for public works construction contracts amounting to less than $50,000 (file no. 97-88-7); and 2. affirming that when state or federal funds are used for City construction projects, applicable state and federal rules and regulations shall prevail (file no. 97-88-8-). Ms. Waller also passed out a September 16, 1988 memo to members of the Board of Supervisors from the Coalition for Economic Equity urging support for both pieces of legislation.

Pansy Waller described a meeting with Supervisor Kennedy, held September 19, 1988, which included Assembly Speaker Willie Brown and labor representatives. Union officials expressed concern that the waiver of survey bond requirements would adversely effect employees by not providing a recourse to obtain back wages.

Supervisor Kennedy, Ms. Waller noted, authored these pieces of legislation after many months of consultation with representatives of the small business community. When the HRC held public hearings in 1983 on problems encountered by MBEs and WBEs, bonding and insurances policies were cited as major barriers. The HRC commissioned a study of bonding and insurance problems by Aileen Hernandez Associates which resulted in a report: "Between a Rock and a Hard Place". Ms. Waller noted that a questionnaire was subsequently distributed to approximately 1500 MBEs and WBEs in which over 300 reported suffering from lack of bonding.

Pansy Waller introduced David Troyer, a University of California at Santa Cruz intern with the HRC, who collected data on construction contracts awarded during FY 87-88 by four major City departments: Airport, Department of Public Works, Port, and Public Utilities Commission. The data categorizes the total number and dollar amount of contracts awarded by department for several dollar ranges. In excess of 50% of all contracts were awarded for under $50,000; however, the dollar amount of these contracts was less than five percent of the total. The nine contracts awarded for over $1,000,000 each constituted more than half of the total dollars.

Commissioner Yamakawa observed that employee rights and performance bonds are separate issues. That private businesses deal with protecting themselves against mechanics' leans when there is construction. Ms. Waller related that there is already such protection at the City level through the stop payment process in the Controller's Office. The City's bonding requirements are inconsistent. For example, the Airports Commission has no regulations for "informal" contracts, ie. those before $50,000.

Frank Anderson stated that the proposed bonding legislation has never come before the Commission; however, it has been discussed by the MBE/WBE/LBE Advisory Committee.

STANDING COMMITTEE
HOUSING AND URBAN DEVELOPMENT

Commissioners Samuel Chung and Joe Ling Jung, Co-Chairpersons

- Recent Housing Complaint Settlements

Commissioner Chung introduced Don Hesse, Fair Housing Coordinator. Mr. Hesse explained the housing complaint settlement process, noting that, under the mediation procedures in Chapter 12A there is no appeal to the Commission.

Don Hesse described three different complaints handled by Ed Ilumin, Housing Specialist. The first was a Black professional woman with a child who asked Saxe Realty to locate rental housing. She was referred to a place in St. Francis Woods, renting for $1,200 per month. The owner refused to rent to her. The President of Saxe Realty wrote the owner noting that race appeared to be the only reason for failure to rent and they refused to continue dealing with the owner. The owner contended that concern for the safety of the child was the reason for their refusal; however, Mr. Ilumin on site inspection did not substantiate the validity of this reason. Subsequently, the woman was able to rent a place in St. Francis Woods for $1400 per month. This case was referred to the Attorney's Panel connected with Operation Sentinel, a Bay Area fair housing service, who settled for $50,000. The entire case was handled within nine months.

The second case was of a man with AIDS who was locked out of a residential hotel. Ed Ilumin accompanied the man to the hotel and he was then re-admitted. In his comments to Mr. Ilumin, the manager made statements which were extremely homophobic. When the man left town over Thanksgiving, he was locked out and his belongings removed. The matter was referred to Balif who provided an attorney who settled the case for $20,000, plus attorney's fees.

The third case involved a Hispanic family whose landlord wanted to evict them in order to undertake substantial renovation. Such an eviction is legal providing that the landlord reemburse up to $1,000 per tenant for relocation costs. The landlord offered $2,000, $1,000 for each person who signed the lease; however, seven people: two parents, four children, and one grandparent lived in the unit. Staff provided information on an attorney supporting the view that children are considered to be tenants in San Francisco. The Rent Board ruled that this family was eligible for up $7,000 in reembursement.

Frank Anderson commended Don Hesse and Ed Ilumin for their excellent work in a very difficult area.

LESBIAN/GAY ADVISORY

Commissioner Rabbi Allen B. Bennet, Interim Chairperson

- Position Available: Sexual Orientation Discrimination Representative in the Lesbian/Gay and AIDS Liaison Unit

Commissioner Bennet requested that Norm Nickens, AIDS Discrimination Representative, make the report. Mr. Nickens announced that the next meeting of the Lesbian/Gay Advisory Committee would be Tuesday, September 27th, at 5:30 PM in Room 509 of the HRC offices. Jackie Winnow, Coordinator of the Lesbian/Gay and AIDS Liaison Unit, returned to work part-time on September 13th. Applications are being accepted for the position of Sexual Orientation Discrimination Representative. A copy of job announcement was circulated in the Correspondence File.

Frank Anderson stated that this is a Civil Service classified position for which there is an existing list. All those on the list declined the call for this position. The appointment is temporary, pending the giving of an examination. The deadline for the submittal of resumes is September 30th and the approximate starting date is October 17th.

MBE/WBE/LBE COMMUNITY ADVISORY
Commissioner Rosemarie Fernandez, Chairperson

Linda Chin announced that the MBE/WBE/LBE Community Advisory Committee would be meeting Thursday, September 22nd, at 5:30 PM in Room 1159 of the State Building.

- Informational Reports: Moscone Center Project and Clean Water Project

Vicky Zimpel described the process at the time of the original construction in 1977 of the Moscone Center and the Clean Water projects. A massive sewage treatment plant, the Southwest Treatment Plant, to be located at the San Francisco Zoo, is in the design phase with construction scheduled for later this year. The design phase of the Moscone Center expansion, a 140-million dollar project, is nearly finished and the first phases of construction are scheduled to begin soon. Vicky Zimpel explained that the goals of 30 percent MBE and 10 percent WBE have been met on the approximately $10 million design contracts for the South West Plant and the Moscone Expansion and that Kevin Williams had received an award from the Asian American Architects & Engineers organization for his work on the latter.

Ms. Zimpel stated that a report on Women in Trades will be given at the October 13th Commission meeting as a follow-up to the successful work initiated by then Commissioner Esta Soler.

YOUTH AND EDUCATION COMMITTEE
Commissioner John C. Morrissey, Chairperson

In the absence of Commissioner Morrissey, Gail P. Roberts introduced Dennis Macheel, an undergraduate intern from San Francisco State University's Urban Studies Department who is assisting with the Youth and Education Committee.

- Request the Board of Supervisors' Endorsement of Proposition 98, School Funding

Dennis Macheel explained that the Youth and Education Committee requested that the Commission request the Board of Supervisors' Endorsement of State Proposition 98. Information on the Proposition was sent to the Commissioners.

It was then ***m/s/c to request the Board of Supervisors' endorsement of State Proposition 98, School Funding for Instructional Improvement and Accountability Act.

- Committee Report

Dennis Macheel reported on the September 15th Youth and Education Committee meeting. There were four speakers representing the San Francisco Unified School District for a presentation on the District's In-Service Training in Human Relations. They were: Dr. Susan Kwock, Program Director Special Education; Dr. Roger Tom, Director of Staff Development and Curriculum Improvement; Dr. Amalia Mesa-Bains and Bettye Hayshert of the Department of Intergration. This presentation was a follow-up of the June 23, 1988 Commission action requesting the Superintendent of Schools to give serious consideration to reinstituting in-service training in human relations and that such training be mandatory for classroom teachers. This recommendation from the Youth and Education Committee was a result of a presentation to the June Committee meeting by Dr. Susan Kwock and her staff that, among other issues, reported that both the overrepresentation of Blacks (41% compared to 20% in the District) and Hispanics and the underrepresentation of Asians in Special Education classes are the result of referrals by classroom teachers which are influenced by teacher judgement of culturally influenced student behavior. Mr. Macheel also reported that the Youth and Education Committee was concerned about the high drop-out rate of Blacks and Hispanics and were of the opinion that in-service training in cultural learning styles could address both issues. There may be teachers who mistake divergent learning styles as a learning disability.

The response was in the affirmative to Commissioners Yamakawa's inquiry as to whether or not the Committee was going to pursue the issue. Commissioner Hardeman asked whether placement of children in Special Education classes was a problem. Mr. Macheel responded that some children had been placed inappropriately in Special Education classes.

Commissioner Corrine Lee described the process which involves the parent as well as the classroom teacher in placing a child in a Special Education program.

Dennis Macheel reported that the Committee heard a presentation on the School District's Affirmative Action Policy and the ethnic composition of certificated personnel by Rod Hong, Director of Personnel, and Barbara Render, a Supervisor of Personnel. The Committee will continue to pursue this issue. Commissioner Yamakawa asked if the Committee received data on new hires.

The Youth and Education Committee received information on local Proposition A, Library Bonds.

NEW MATTERS

Frank Anderson announced that a report on the MBE/WBE/LBE Ordinance Sunset Clause will be presented to the October 13, 1988 Commission meeting. It is vitally important that a quorum of Commissioners be present.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 13, 1988 at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	Wedneday, October 5, 1988 4:00 P.M. Room 509, 1095 Market Street
EMPLOYMENT	Thursday, October 6, 1988 9:30 AM 1850 Mission Street (Between 14th & 15th Streets)
HOUSING AND URBAN DEVELOPMENT	Tuesday, September 27, 1988 3:30 P.M. Room 509, 1095 Market Street
LESBIAN/GAY ADVISORY	Tuesday, October 18, 1988 5:30 P.M. Room 1202, State Building 350 McAllister Street

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, October 20, 1988 5:30 P.M. Room 1159, State Building 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, October 20, 1988 3:30 PM Room 1200, State Building 350 McAllister Street

REMARKS FROM THE AUDIENCE

None.

ADJOURNMENT

Respectfully submitted.

Frank V. Anderson
Interim Director
via Gail P. Roberts

GPR:bct
[HRC/Min]CORR3

PLACE: Room 1200. State Building

City and County of San Francisco

Human Rights Commissi
Office of Minority/Women Business Enterp
Office of Contract Compliance
Office of Dispute Resolution

September 22, 1988

Mr. Jack Casford
1811 Leavenworth Street, #6
San Francisco, CA. 94109

Dear Jack:

The Human Rights Commission would like to formally thank you for twenty years of dedicated service as an employee of this department, upon your retirement. Your service to the Commission and work on many difficult and demanding issues will be long remembered. As the "official recorder" of the Commission's minutes, your skills helped clarify complexed issues and disseminated the Commission's activities to the public in an organized and meaningful manner. Your contributions to a variety of civic, journalistic, public affairs and social issues helped move the Commission's and the City's social agenda forward. You have our gratitude for these efforts.

The Human Rights Commission extends its official commendation and congratulations to you. We hope your retirement will be as full, productive and rewarding as your years spent with the Human Rights Commission.

Best Wishes for the future.

Sincerely,

George Suncin
Chairperson

GS:bclp

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94

SF
H80
#2
10/13/88

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, October 13, 1988

DOCUMENTS DEPT.
NOV 1 1988
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, October 27, 1988
TIME: 9 A.M.
PLACE: Room 1200, State Building
350 McAllister, Civic Center
San Francisco, CA 94102

ROLL CALL

Commissioners

Present: George A. Suncin, (presiding), Rabbi Allen Bennett, Samuel Chung, Rosemarie Fernandez, Michael Hardeman, Corrine Lee, Larry Martin, and Nicerita Revelo.

Excused: Joe Ling Jung, John C. Morrissey and David K. Yamakawa, Jr.

Staff

Present: Frank Anderson (Interim Director), Pauline Anderson, Arcedo Brilliantes, Willie Campers, Linda Chin, James Fields, Bayard Fong, Linell Harden, Don Hesse, John Hurst (intern), Ed Ilumin, Zula Jones, Dennis Macheel (intern), Veronica Ng, Norm Nickens, Richard G. Norton, Clemente N. Obregon, Nenita Panday, Gail P. Roberts, Carmen Smith, Mary Gin Starkweather, Blanca Torres, David Treanor, David Troyer (intern), Pansy P. Waller, Kevin Williams, Jackie Winnow, and Vicky Zimpel.

Commission on the Status of Women Commissioners:

Present: Isabel Huie, Sue Martin, and Gladys Sandlin.

Staff

Present: Jacquie Hale, Carolyn Hom, and Panetta Scott.

Guests: The Honorable Art Agnos, Mayor of San Francisco; Sandra Crumpler, S.F. Intl' Airport; Harriet Ishimoto, Kiyomura-Ishimoto Associates; Norman Ishimoto, Kiyomura-Ishimoto Associates; Lester Olmstead-Rose, Lesbian/Gay Advisory Committee; Eva J. Paterson, Coalition for Economic Equity; Mara Rosales, Deputy City Attorney; Sgt. Art Tapia, S.F. Police Department; and Sarah Tuttle, Women in Apprenticeship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

MINUTES

The Minutes of the meeting of September 22, 1988 were approved as corrected on page 3, the correct spelling for Rabbi Allen Bennett is Bennett.

COMMUNICATIONS

- To HRC Director, from Thad Brown, Tax Collector, a letter dated September 6, 1988, explaining that Ordinance 5-88 requires every entity doing business in or with the City and County to register annually and pay a $200 fee; however, all past tax or license obligations must first be paid.

- To Mayors, City Managers, City Attorneys, Personnel Directors, Police and Fire Chiefs and Other Interested Persons from the League of California Cities, a memorandum, dated September 12, 1988, announcing two one-day workshops: "AIDS in the Workplace: City Policies and Practices".

- To Jackie Winnow, Lesbian/Gay Coordinator, from the Alice B. Toklas Lesbian/Gay Democratic Club, a letter, dated September 18, 1988, announcing that she is one of several women who have contributed unselfishly to the betterment of the lesbian and gay community and will be honored by the Alice B. Toklas Lesbian/Gay Democratic Club at their Annual Dinner. Their Annual Dinner will be held Thursday, October 20, from 7:30 p.m. to 10:00 p.m.

- To Department Heads from Board of Supervisors' President Nancy E. Walker, a memorandum, dated September 29, 1988, transmitting the response from the Municipal Railway to her Budget Task Force Questionnaire as a guide to departments in submitting information as part of the 1989-90 budget process.

- To Frank Anderson, Interim Director, From David Werdegar, M.D., M.P.H., Director of Public Health and Charities Campaign Chair, announcing the 1988 Employees Combined Charities Campaign and soliciting the support of each Department Head.

- To All Interested Parties from Dennis Sweeney, Chief Probation Officer, Juvenile Court, a memorandum, dated October 3, 1988, announcing the release of FACILITY DESIGN OPTIONS, a report prepared by Jefferson Associates (with Patrick Sullivan Associates and in association with Community Research Associates).

- To Mary Gin Starkweather, Contract Compliance Officer I, from Art Tapia, Sergeant, Police Community Services Division, SFPD, a letter, dated October 4, 1988, thanking her for agreeing to serve on the Committee which will develop the program for the 20th Annual National Association of Police Community Relations Officers Training Conference (NAPCRO).

- To John Guthrie, Controller's Office, from Frank Anderson, Interim Director, a memorandum, dated October 7, 1988 requesting the total dollar value of all contracting done by City departments during fiscal year 87-88 and the HRC Ad hoc turnaround Report without prior year encumberances.

- To Frank Anderson, Acting Director, from Thomas E. Thompson, San Francisco District Manager, Associated General Contractors of California, a letter, dated October 6, 1988, transmitting AGCC's Guide to Understanding the Public Works and Prevailing Wage Laws of California.

- From the San Francisco Open Space/Park Renovation Citizens Advisory Committee, announcing the OSAC calender for 1988-89.

- From the Mayor's Office of Community Development Program and Housing Assistance Plan Preliminary Proposal and notice of Public Hearing 7 p.m. Thursday, October 13, 1988.

CHAIRPERSON'S REPORT

There was no report.

INTERIM DIRECTOR'S REPORT

Frank Anderson announced that the interviews, held on October 11th and 12th, for the position of 2996 Lesbian/Gay Community Representative have been completed. The Public Hearing on the 1989 Community Development Program block grant proposals will be held October 13th. The HRC is recommended at the same funding level as for 1988. Staff has been working overtime on the MBE/WBE/LBE Ordinance Sunset Clause Report.

The Conflict of Interest issue involving standing committee members was discussed at the October 6th meeting of the Administrative Committee and is being reviewed again by the City Attorney's Office. It is anticipated that clear guidelines will be developed prior to the next meeting of the Administrative Committee.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner Larry Martin, Chairperson

- Adoption of Sunset Clause Report: "Investigation into Minority and Women Business Participation in City Contracting".

Interim Director Frank Anderson explained that the MBE/WBE/LBE Ordinance would expire if the HRC did not act in a timely manner. Mr. Anderson noted that two public hearings had been held during the summer.

Eva Paterson, representing the Coalition for Economic Equity, was introduced. Ms. Paterson thanked Frank Anderson, Linda Chin, Pansy Waller, Commissioner Rosemarie Fernandez, and Deputy City Attorney Mara Rosales for their work. She presented a proposed amendment, noting that it was in the interest of the Coalition for Economic Equity for the City's MBE/WBE performance to look as poor as possible in order to strengthen the case for future litigation. (This subject was interrupted temporarily to accommodate the agenda's Special Order.)

SPECIAL ORDER: Mayor Art Agnos

The Honorable Art Agnos, Mayor of San Francisco, addressed the Commission. The Mayor thanked the Commissioners publicly and individually for their work. He noted that the Commission historically had not been given funds adequate to carry out its responsibilities. The Mayor will seek to provide adequate resources; however, this will be difficult because of the budget constraints under which the City of San Francisco operates.

Within thirty days, the Mayor will be recommending changes to the HRC. The Mayor thanked the Commission for its extraordinary effort.

In response to the Mayor's request for questions, Chairperson Commissioner Suncin stated that knowing that the decision would be made within thirty days is helpful.

STANDING COMMITTEES

ADMINISTRATIVE

The Commission resumed its discussion of the Sunset Clause Report in general and the testimony of Eva Paterson specifically.

Ms. Paterson recommended to the Commission the following amendments to the Report:

1. Page 6: At the end of the paragraph which begins "For fiscal year 1986-87...." add the following sentence: "MBEs were awarded 4.54% of the $800,000,000 of prime contracts; WBEs received .48% of all contracts."

2. Page 82: Finding 12, insert between the first and second sentences: "MBEs were awarded $36,380,416 of this amount or 4.54%; WBEs were awarded $3,818,357 or .48%."

Commissioner Fernandez observed that the MBE/WBE/LBE Advisory Committee agreed that these proposed amendments would strengthen the City's position in defending the Ordinance. Deputy City Attorney Mara Rosales stated that she had no problem with these amendments. On the motion of Commissioner Fernandez, it was *** m/s/c that Investigation into Minority and Women Business Participation in City Contracting" be amended to include the two amendments.

Eva Paterson thanked those involved in the preparation of the Report, especially the staff, for a good job.

It was then *** m/s/c that Deputy City Attorney will draft the necessary language to make the appropriate changes in the Report.

Commissioner Larry B. Martin reported that the Administrative Committee recommends to the Commission the following proposed action:

Pursuant to the City's Administrative Code Chapter 12D (Minority/Women/Local Business Enterprise Ordinance 139-84), the Human Rights Commission certify to the

Board of Supervisors that the purposes identified in Section 12D.3 of the Ordinance have not been achieved, as documented by the accompanying report, Investigation into Minority and Women Business Participation in City Contracting Report.

*** m/s/c/ that the Human Rights Commission recommend the Ordinance be extended as prescribed in Section 12D.15 of the Ordinance.

EMPLOYMENT

Commissioner David K. Yamakawa, Jr., Chairperson

In the absence of Commissioner Yamakawa, Frank Anderson called upon Vicky Zimpel, Contract Compliance Officer II, to make the report.

- Report on Women in the Trades 1986-88

Vicky Zimpel explained that the data in her presentation would be for 1986-87. The 87-88 data was not available due to a computer malfunction. The Bay Area Committee of Women Carpenters, Women in Apprenticeship Program, and then Commissioner Esta Soler had expressed their concern regarding the participation of women in nontraditional jobs in late 1986. Subsequently, a subcommittee of the Employment Committee was formed which included representatives of these groups and of Young Community Developers and Chinese for Affirmative Action to address those concerns. Ms. Zimpel thanked Vivian Miller, Joyce Yanman, Neal Hattem, Eric Jue, and Richie Gore, of these respective groups, for their participation.

The subcommittee made four recommendations in late 1987, all of which had or have been subsequently carried out:

1. Streamline internal procedures and designate an employment liaison position.

2. Recommend revision of the penalties in Chapter 12B to be much stronger and to be more comparable to those in Chapter 12D.

3. Revise the HRC's Affirmative Action Program including provision to know at the time of the bid whether or not a contractor would be capable of meeting the employment goals if awarded the contract.

4. Tighten the relationship between women's groups and HRC staff to ensure that women are referred to job sites and that their applications are given proper consideration.

Vicky Zimpel explained that the HRC as well as the federal goals for women in all trades is 6.9%. The performance in 1986/87 was currently 4 to 5%, up from 3% in 1984. The goal was met in eight or 27% of the 30 trades monitored: Carpenters, Electrical, Pile Butts, Sprinkler Filters, Painters, Glaziers, Mill Workers, and Specialty. These eight trades represented 214,000 hours or 38% of the 566,000 worked in all trades. Carpenters (140,000 hours) and Electrical, (37,000 hours) and Pile Butts (24,000 hours) worked the highest number of total hours. For Carpenters, 6.93%, and 2.87% of the total hours respectively were worked by women and by minority women. For Electrical, it was 7.30% for women and 4.20% for minority women. For Pile Butts, it was 5.83% for women and 5.25% for minority women; however, most of the minority women hours were worked by one Black woman pile butt.

The goals for women were not met in the following trades although there was some participation: Laborers, Rebar, Field Supervisor, Lathers, Cement Masons, Roofers, Plasterers, Teamsters, Carpet/Soft Tile, Tapers, and Bricklayers. These 11 trades represented 218,000 hours or 39% of all hours worked. The largest number of hours was for Laborers (79,000) where 5% of the hours were worked by women and 1% by minority women. Eleven trades with 134,000 hours or 24% of the hours had no participation by women: Operating Engineers, Non-Workers, Plumbers, Drywall, Sheetmetal, Hod Carrier (Plasterer), Tile, Rod Carrier (Plaster), Elevator, Steam Filter, and Flooring. Operating Engineers worked 71,000 hours (12.54% of all hours). Ms. Zimpel pointed out that this union was under a Consent Decree to bring in minorities. The Operating Engineers is a list trade; however, minorities can be moved up because of the Consent Decree. With list trades, it is very difficult to get women for a particular job if they are not on the company's regular payroll.

The three trades with the most hours for which there are problems with participation by women are: Plumbers, (19,000 hours), Laborers (99,000 hours), and Operating Engineers (71,000 hours). Ms. Zimpel observed that women worked only 5% of the hours worked by Laborers even though this is a trade for which there is no entrance requirement. Special efforts have been made to increase the participation of women in trades in 1988. Some success has been obtained with Operating Engineers which are currently at about 1%. Further work is needed and continuing. In most of the other trades, with low participation by women, the City has very few hours worked during the year so they are less of a priority and provide less of an opportunity to women.

Vicky Zimpel explained that her report was for information only.

LESBIAN/GAY ADVISORY

Commissioner Rabbi Allen B. Bennett, Interim Chairperson

Commissioner Bennett welcomed Jackie Winnow back to the staff.

- Committee Report/World of Difference

Rabbi Bennett explained that the Anti-Defamation League's World of Difference program focused on producing local media programs to reflect diversity. Jackie Winnow, Lesbian/Gay Coordinator, stated that the Lesbian/Gay Advisory Committee will discuss this program at their next meeting.

Ms. Winnow noted that a candidate for the Sexual Orientation Discrimination Representative has been selected and it is anticipated that this person will be on staff within a couple of weeks. The Board of Supervisors is in opposition to State Proposition 102 and has taken no stand on Proposition 96. The Commission had requested Board of Supervisors' opposition to both propositions.

NEW MATTERS

Frank Anderson introduced John Hurst, an intern with the HRC. Mr. Hurst is a first year graduate student in San Francisco State University Department of Social Work Education.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 27, 1988 at 9 a.m. in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	To be Announced
EMPLOYMENT	Thursday, November 3, 1988 9:30 A.M. 1850 Mission Street (Between 14th & 15th Streets
HOUSING AND URBAN DEVELOPMENT	To Be Announced
LESBIAN/GAY ADVISORY	Tuesday, October 25, 1988 5:30 P.M. Room 509, 1095 Market Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, November 17, 1988 5:30 P.M. Room 1159 State Building 350 McAllister Street

SOCIAL ISSUES AND POLICE LIAISON	To Be Announced
YOUTH AND EDUCATION	Thursday, October 20, 1988 3:30 P.M. Room 1200, State Building 350 McAllister Street

REMARKS FROM THE AUDIENCE

Two people had requested an opportunity to speak to the Commission; however, neither was present.

Commissioners Fernandez and Martin thanked Interim Director Frank Anderson and the staff for the preparation of the Sunset Clause Report. Mr. Anderson expressed appreciation for the work of three people, in addition to staff. They were: Norman Ishimoto, Melody Fuller, and Mara Rosales. Mr. Anderson also thanked the Commissioners who participated in the public hearings.

ADJOURNMENT

The meeting of the Human Rights Commission was adjourned by Chairperson Commissioner Suncin at 9:50 A.M.

Respectfully submitted,

Frank V. Anderson
Interim Director
via
Gail P. Roberts

FVA:GPR:pa
[Minutes]MIN

SF
80
2
/10/88

DOCUMENTS DEPT.
DEC 6 1988
SAN FRANCISCO
PUBLIC LIBRARY

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, November 10, 1988

THE MEETING SCHEDULED FOR OCTOBER 27, 1988 WAS CANCELLED

NEXT MEETING

DATE: Thursday, December 8, 1988
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister, Civic Center
San Francisco, CA 94102

The November 10, 1988 meeting was the only scheduled regular meeting of the HRC in November. The fourth Thursday, November 24, 1988, is Thanksgiving Day, a legal holiday.

ROLL CALL

Commissioners

Present: Lawrence B. Martin (Presiding), Adrian Bermudez, Jr., Lenore Chinn, Frankie Gillette, Leonard Graff, May Jaber, Karen N. Kai, Lucile Lockhart, Isadore Pivnick, and Father Peter Sammon.

Excused: Rosemarie Fernandez

Staff

Present: Frank Anderson (Interim Director), Linda Chin, James Fields, Don Hesse, Ed Ilumin, Norm Nickens, Richard G. Norton, Gail P. Roberts, Beth Shafran (Intern), Carmen Smith, David Troyer (Intern), Pansy P. Waller, and Vicky Zimpel.

Guests Usa de Vogelear, student; Rick Hirschhaut, Anti-Defamation League, Michelle Hood, student; Ashley A. Hooston, student; Charlene Noble, student; and Jill R. Tregor, Community United Against Violence.

PLEDGE OF ALLEGIANCE

Due to the absence of flag, the pledge of allegiance was not recited.

MINUTES

The Minutes of the Meeting of October 13, 1988 were approved as mailed.

COMMUNICATIONS

To Frank Anderson, Executive Director, from Travis A. Tapia, San Francisco Police Community Relations, a letter dated October 20, 1988, confirming HRC co-sponsorship with them and the U.S. Department of Justice Community Relations Service of the training conference in June of 1989 for the National Association of Police Community Relations Officers.

From Patricia A. Walton, Director of Community College Centers, a letter received November 1, 1988, announcing the Annual Apprenticeship Trade Hands on Workshop to be held Wednesday, November 16, 1988 from 10:00 A.M. to 2:00 P.M. at the Southeast Community College Center.

To Norm Nickens, AIDS Discrimination Representative, from Betty F. Lovery, Birch and Davis Associates, Inc., a letter dated October 31, 1988, confirming arrangements for HRC participation in the study of local programs for the prevention or resolution of AIDS or HIV-related discrimination, which was commissioned by the Office of Health Planning and Evaluation of the U.S. Public Health Service. The HRC is one of five state or local programs to be studied, programs having been selected for their effectiveness and leadership in this area.

To All Department Heads from David Werdegar, M.D., M.P.H., Director of Public Health, a memorandum dated November 1, 1988, transmitting a HIV/AIDS education assessment form to determine educational and training needs for all the departments, boards, and commissions of the City and County of San Francisco.

To Frank Anderson, Interim Director, from Kenneth E. Dowlin, City Librarian, a letter received November 7, 1988, announcing the San Francisco Connection, a municipal reference service of the San Francisco Public Library.

From the North of Market Senior Services, transmitting a booklet received November 8, 1988, describing this agency which serves seniors in San Francisco's Tenderloin with a comprehensive program of health and social services.

To City and County Departments and Agencies from Constance Brand Gordon, Coordinator of the Municipal Cable Advisory Panel, Office of the Board of Supervisors, a memorandum received November 8, 1988, soliciting funding proposals for public information pieces.

A copy of a press release, issued by the Office of the Mayor and dated November 9, 1988, announcing 11 appointments to the Human Rights Commission. (This is reproduced in its entirety under Director's Report.)

CHAIRPERSON'S REPORT

Commissioner Martin welcomed the newly appointed Commissioners, explaining that the HRC had a very good and supportive staff. At the close of this meeting, Commissioners were to submit their three choices of assignment to standing committees. Commissioner Martin reminded the Commissioners that they must take official action to ratify the Mayor's recommendations of Larry Martin as Chair and Rosemarie Fernandez as Vice Chair.

Commissioner Martin observed that there are lots of things for the Commission to do and that he wants the HRC to be a strong Commission, to take a stronger role. The HRC was originally established to help the "little folks". There are many examples of those today in need of such help.

INTERIM DIRECTOR'S REPORT

Frank Anderson welcomed the newly sworn-in Commissioners, observing that each has received high compliments from the Mayor, who is very excited about the prospects for the Commission. The Mayor is really committed to the Human Rights Commission and the Commissioners will have direct access to the Mayor's Office. The Commissioners were appointed because of their individual strengths and their reputations as problem solvers, not problem creators. The Commission will be the Conscience of the Community.

Interim Director Anderson quoted from the press release issued by the Mayor's Office on November 9, 1988 announcing the appointment of the Commission. That press release is reprinted herein in total.

Rights Commission Named

Mayor Art Agnos today announced 11 appointments to the Human Rights Commission (HRC), calling the panel San Francisco's conscience.

The Mayor's new appointees are: Adrian Bermudez Jr., Lenore Chinn, Frankie Gillette, Leonard Graff, May Jaber, Karen Kai, Lucile Lockhart, Isadore Pivnick and Father Peter Sammon.

Attorney Rosemarie Fernandez is continuing in her term while Transport Workers Union leader Larry Martin was reappointed by Mayor Agnos.

Agnos said he wanted this rights group to actively pursue justice for all minorities.

"We have a human rights contract with each other that makes this city work," Agnos said. "It is not mere tolerance, but an abiding respect for each other that recognizes that this city is better because each of us is here.

"The Human Rights Commission is as important and vital to the well-being of the city as the Port or Airport or any commission dealing with this city's resources because the Human Rights Commission is committed to our most important resource: people."

Agnos said he was appointing just 11 people to the HRC, which in the past has had 15 members, because he was contemplating a re-organization of the commission. A change in City ordinance could result in a nine-member rights commission.

Bermudez, 39, is an environmental health technician with the San Francisco Department of Public Health.

He is a member of the board of directors for the Mission Neighborhood Center and is active with the Latino Democratic Club. Bermudez won an award of merit from the Nicaraguan Cultural Association last year.

Chinn, a member of the Harvey Milk Lesbian and Gay Democratic Club's executive committee, is a laboratory assistant at Davies Medical Center.

For the last three years, Chinn, 39, has organized the Women's Blood Drive for people with AIDS. Last year, she won the Human Rights Award from the Friend of the Human Rights Commission.

Gillette, 63, is the immediate past president of the National Association of Negro Business and Professional Women's Clubs, Inc.

She serves on the board of directors for Time Savings and Loan Association and owns G&G Enterprises, a management consultant and sales firm.

Attorney Graff is the legal director of San Francisco-based National Gay Rights Advocates. He is a former adjunct professor of law at Southeastern University in Washington D.C.

Graff, 39, was awarded the Dr. Franklin Kameny Humanitarian Award in 1981.

Jaber, who was born in Jerusalem, owns California Associated Insurance Brokers in San Francisco.

Jaber is a member of the board of directors for the National Association of Arab-Americans and is active with the Arab-American: University Graduates.

Kai, 34, is the executive director of Friends of Hibakusha, a non-profit organization that works with survivors of the atomic bombings of Hiroshima and Nagasaki.

Kai, an attorney, worked on the landmark case of Fred Korematsu, which challenged the internment of Japanese-Americans during World War II.

Lockhart worked for the City of San Francisco for 23 years, including 13 years with the Department of Public Health, before retiring in 1980.

Lockhart, 70, is a disabled advocate and served on the Mayor's Advisory Council on Disabilities Concerns. She also worked with the Municipal Railway's Elderly and Handicapped Advisory Committee.

Pivnick, 67, was active with the San Francisco Public School District before becoming vice president of Cable Car Clothiers in 1979.

Pivnick was principal of John Swett School for eight years and is a former assistant superintendent of school operations for grades K-12.

He belongs to the boards of directors for the Jewish Family Service Agency and Jewish Vocational Counseling.

Father Sammon is the pastor at St. Teresa's Church on Potrero Hill. He has been very active with the San Francisco Sanctuary Covenant, a refuge program for Central American refugees.

Sammon, 65, is the former director of family life for the Archdiocese of San Francisco. He earned his masters degree in theology from the University of San Francisco in 1964.

The new commissioners replace members Rabbi Allen Bennett, Sam Chung, Mike Hardeman, Joe Ling Jung, Corrine Lee, John C. Morrissey, Nicerita Revelo, George Suncin and David Yamakawa, Jr.

Bennett and Suncin have been asked by the Mayor to serve on the Task Force on Self Esteem.

Frank Anderson introduced the staff who were present who in turn introduced themselves. Mr. Anderson, observing that it will be a learning process for us all, pledged his cooperation with the Commissioners.

The HRC's Administrative Committee will meet soon and will, among other issues, establish priorities. Another topic will be the HRC budget. Planning for the FY 89-90 budget has begun. The Interim Director met with the Mayor's Office November 9th to discuss the budget. The HRC's General Fund budget is approximately $1.5 million.

Commissioner emeritus John Morrissey was introduced by Frank Anderson. Commissioner Morrissey took the opportunity to welcome the new Commissioners and, in particular, to thank staff who have been especially helpful. Commissioner Morrissey also expressed appreciation for the volunteers who give of their time serving as members of the HRC standing committees.

Commissioners Chinn, Graff, and Lockhart expressed their thanks to John Morrissey.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY

- Request approval of letter to be sent to the Anti-Defamation League concerning exclusion of sexual orientation, gender, and disability prejudice from the A World of Difference compaign.

This item was taken out of order to accommodate the speakers.

Norm Nickens, committee staff person, described the World of Difference as a national campaign about prejudice sponsored by the Anti-Defamation League of the B'nai B'rith and carried out locally. Sexual orientation, gender and disability have been omitted from the ADL's campaign to combat prejudice.

Norm Nickens introduced Jill Tregor of Community United Against Violence. Ms. Tregor explained that CUAV, an anti Gay/Lesbian violence organization, had been asked to participate in this campaign. CUAV has, in fact, worked with the ADL for several months. Although the sponsors agreed to include them, the ADL has left out sexual orientation, gender, and disability from this local campaign. CUAV believes that, by leaving out certain classes, it perpetuates discrimination. Jill Tregor requested that the HRC send a letter to ADL expressing its concern regarding the exclusion of certain groups and requesting that these groups be included.

Norm Nickens explained that this issue had been discussed fully at the November 15, 1988 meeting of the Lesbian/Gay Advisory Committee and that Rick Hirschhaut, Regional Director of the ADL, and Lester Olmstead-Rose and Jill Tregor of CUAV participated in that discussion. Mr. Hirschhaut had been invited to this Commission meeting and had not arrived to this point in time. (Please see under Remarks From the Audience for Rick Hirschhaut's comments.) Mr. Nickens related that the ADL has sought HRC input and co-sponsorship. Sending a letter expressing HRC support for inclusion of sexual orientation, gender, and disability and offering our assistance would be HRC's input.

It was then
*** m/s/c that the Human Rights Commission authorize staff preparation of a letter to the Anti-Defamation League urging that sexual orientation, gender, disability be included in the World of Difference campaign and offering HRC staff assistance.

- Request approval of letter to Lorimar Productions concerning a segment of the series "Midnight Caller" in which a person infected with the HIV virus knowingly spreads the virus.

Norm Nickens explained the concern expressed by the Lesbian/Gay Advisory Committee that the reported portrayal of person with AIDS on one segment of the series "Midnight Caller" as individuals with HIV infection recklessly and knowingly infecting others will only serve to increase acts of violence against those perceived to be at risk for HIV infection.

It was then
*** m/s/c that the Human Rights Commission express its concern in regard to the reported portrayal of persons with AIDS on the series "Midnight Caller" and would welcome the opportunity to work with Lorimar/Midnight Caller Production in ensuring an accurate and balanced portrayal of persons with AIDS, and of Lesbian/Gay and AIDS activities.

YOUTH AND EDUCATION

- Support for A Recruitment Plan for the SFUSD, presented by San Francisco Federation of Teachers, AFT Local 61.

Interim Director Frank Anderson called upon Pansy Ponzio Waller, staff to the Committee, who, in turn introduced Joan Marie Shelley, President of AFT Local 61.

Joan Marie Shelley explained that AFT had begun the preparation of this Recruitment Plan for the SFUSD last Spring. The AFT is supportive of the SFUSD Affirmative Action Plan's goal of the composition of teachers more closely reflecting the ethnic make up of the student body. Proportionately, there are relatively few minorities graduating from teacher training institutions; however, openings in the present teaching staff are occurring at an accelerating rate, giving the District a chance to recruit a large number of teachers in the coming years. By recruiting potential teachers from the SFUSD student body the District would expand the number of minority group teachers. Joan Marie Shelley observed that the SFUSD had been successful in promoting paraprofessionals to credentialed teachers and for the ethnic balance of the District's paraprofessionals resembles that of the student body much more closely than does the certificated personnel. Ms. Shelley observed that some students work part time as paraprofessionals, to earn money, while pursuing teaching credentials. This work also gives them a clearer idea of what teaching actually is as well as providing income.

The three programs recommended by the AFT are to reactivate and expand the focus of the Latino Project, strengthen the Para Career Program, and initiate a program or magnet school to begin preparing San Francisco high school students for a teaching career. Commissioner Gillette recommended that rather than supporting the reactivation and expansion of the Latino Project, HRC supports the replication of the successful Latino Project model, expanded to include all ethnic groups.

It was then
*** m/s/c that the Human Rights Commission support "A Recruitment Plan for the SFUSD", presented by the San Francisco Federation of Teachers, AFT Local 61, with its three components: 1. Replication of the Latino Project model, expanded to include all ethnic groups; 2. the Para Career Program; and 3. the Teacher Apprenticeship Program.

- Approval of a letter to Superintendent Cortines re: the SFUSD's MBE/WBE Program

Pansy Ponzio Waller gave the background of why the Youth and Education Committee was requesting data as to the percentage and dollar value of SFUSD contracts awarded to MBEs and WBEs.

It was then
*** m/s/c that the Human Rights Commission authorizes the sending of a letter to Superintendent Ramon Cortines regarding the SFUSD's MBE/WBE Program.

- Approval of a letter to Rod Hong re: SFUSD Affirmative Action Plan

Pansy Ponzio Waller explained that the Youth and Education Committee was seeking data as to the ethnic composition of certificated personnel hired within the past 12 months.

Commissioner Gillette inquired as to why the Youth and Education Committee was coming through the Commission rather than writing directly. Interim Director Frank Anderson responded that it is because the SFUSD is a quasi state agency. If it were not an exempt agency, the HRC would be receiving their data directly.

It was then
*** m/s/c that the Human Rights Commission authorizes the sending of a letter to Rod Hong, Personnel, regarding the SFUSD Affirmative Action Plan.

- Committee Report

Pansy Ponzio Waller reported that the Youth and Education Committee is a very vital and active committee, with members representing a diversity of education and youth related groups. Among the issues to be discussed at the November 17th meeting of the Youth and Education Committee are graffiti and drug trafficking with youth. Ms. Waller encouraged Commissioners to refer items. Pansy Ponzio Waller is the committee staffer and Gail P. Roberts is the committee oversight person.

EMPLOYMENT COMMITTEE

- Issues of Privacy in the Workplace

Carmen Smith, staff to the Employment Committee, introduced David Troyer, an undergraduate student intern from the University of California at Santa Cruz, who, among other projects, has been working with the Employment Committee.

David Troyer noted that he had previously presented this information item to the Employment Committee, at its November 3, 1988 meeting. Mr. Troyer explained that there were three important angles to this issue: 1. Employer, 2. Employees, and 3. the Law. In the face of growing absenteeism, theft, and unproductivity, employers are feeling it is very important to gain information on their employees to increase productivity. Many employees feel that the methods to gain information are an attack on their personal dignity. Secondly, many feel that their privacy is being and should be protected by the law. Many courts view issues of privacy differently so that privacy law is in flux. On the federal level, the issue of privacy is looked at as a constitutional matter, the Fourth Amendment: "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches." The current areas of conflict over privacy in the work place are: the use of lie detectors, testing for drugs, monitoring computers or phones, and testing for AIDS. The courts have upheld the use of lie detectors as part of an ongoing investigation. Drug testing can be used for people in sensitive positions such as airline pilot. The Communication Workers of America are urging federal legislation to limit monitoring of computers or phones. David Troyer recommended that employment policies be clear and that employees know exactly what they can expect.

- Committee Report

Carmen Smith explained that the Employment Committee meets on the first Thursday of the month from 9:30 A.M. to 11:00 A.M. at 1850 Mission Street. At the November 3rd meeting, the Committee heard a presentation by Jennifer Goldfinger, Department of Social Services, on the GAIN Program and an informational item on the 1990 Census. In addition, the Hawkins Bill, House of Representatives bill H.R. 4903, to reform the Office of Federal Contract Compliance Monitoring Systems was also discussed. The next meeting of the Employment Committee will be December 1st.

NEW MATTERS

- Chairperson Larry Martin announced that the Administrative Committee will meet Tuesday, November 22, 1988 from 4:00 P.M. to 6:00 P.M. in the HRC offices. The agenda items will be: 1. election of Commission officers; 2. FY89-90 HRC budget; 3. committee assignments and structure of committees; 4. commission priorities, goals and objectives; and 5. orientation of new members. Commissioner Martin referred Commissioners to the Calendar Matters section of the October 13, 1988 HRC minutes for a listing of committee meetings. Commissioners were reminded to submit their three choices of committee assignments.

- Interim Director, Frank Anderson, on behalf of the Commission, commended the retiring Commissioners who served with distinction:

Rabbi Allen B. Bennett
Samuel H. Chung
Michael Hardeman
Joe Ling Jung

Corrine Lee
John C. Morrissey, Esq.
Nicerita D. Revelo
George A. Suncin
David K. Yamakawa, Jr. Esq.

- Interim Director, Frank Anderson, on behalf of the Commission, conveyed congratulations to Rosemarie Fernandez on the birth of her daughter, Rosemarie Julia Ruel, on November 8, 1988.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, December 8, 1988 at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center. The fourth Thursday in November, November 24, 1988, is Thanksgiving Day, a legal holiday.

STANDING COMMITTEES

ADMINISTRATIVE	Tuesday, November 22, 1988 4:00 P.M. Conference Room 509 HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, December 1, 1988 9:30 A.M. 1850 Mission Street (Between 14th and 15th Streets)
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, November 15, 1988 5:30 P.M. Conference Room 509 HRC Offices, 1095 Market Street
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, November 17, 1988 3:30 P.M. Room 1200, State Building 350 McAllister Street

REMARKS FROM THE AUDIENCE

Norm Nickens introduced Rick Hirschhaut, Regional Director of the Anti-Defamation League. Mr. Hirschhaut explained that "A World of Difference" is a national program, in which 18 cities will be participating, directed at reducing the level of intolerance. According to Mr. Hirschhaut, the ADL is looking at broadening the scope of the program. A World of Difference is an exciting program which, Mr. Hirschhaut hopes, will reflect Bay Area diversity.

Commissioner Sammon inquired if the program is national or regional. Mr. Hirschhaut responded that it is both. The national material provides the overlay and is much more generic. Each new city adds its local component which focuses on local issues, drawing from local educators.

Commissioner asked whether national approval is required of local component. Mr. Hirschhaut responded in the affirmative. He also noted, in response to Commissioner Kai's question, that there is sharing of the local components among cities. Commissioner Lockhart wondered if encouraging the expansion of the scope of "A World of Difference" wasn't an issue for the Social Issues and Police Liaison Committee.

ADJOURNMENT

The meeting of the Human Rights Commission was adjourned by Chairperson Commissioner Larry Martin at 10:30 A.M.

Respectfully submitted,

Frank V. Anderson
Interim Director
via Gail P. Roberts

FVA:GPR:np
11/29/88

[HRC/Min]CORR3

SF
H20
#2
1/8/88

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, December 8, 1988

DOCUMENTS DEPT.
JAN 3 1989
SAN FRANCISCO
PUBLIC LIBRARY

NEXT MEETING

DATE: Thursday, January 12, 1989
TIME: 9:00 AM
PLACE: To Be Announced.

The December 8, 1988 meeting was the only meeting of the HRC in December, the December 22, 1988 meeting having been cancelled due to the holidays.

ROLL CALL

Commissioners

Present: Father Peter Sammon (Presiding), Lenore Chinn, Frankie Gillette, Leonard Graff, May Jaber, Karen N. Kai, Lucile Lockhart, and Isadore Pivnick.

Excused: Adrian Bermudez, Jr., Rosemarie Fernandez, and Lawrence B. Martin.

Staff

Present: Frank Anderson (Interim Director), Larry Brinkin, Linda Chin, James Fields, Bayard Fong, Don Hesse, Veronica Ng, Richard Norton, Gail P. Roberts, Carmen Smith, Jackie Winnow, Gary Wong, and Vicky Zimpel.

Guests Ignatius Bau, San Francisco Lawyers' Committee for Urban Affairs; John Costas, S.F. International Airport; Sandra Crumpler, S.F. International Airport; Frank S. Fung, EDZ International; Cleophelia Meek, San Francisco Homeless Task Force; Julian D. Munoz AIA, Grory 4/Architecture, Research, and Planning, Inc.; Robert B. Wong AIA, Robert Wong, Architects/Planners; and Jason G. Yuen, S.F. International Airport.

PLEDGE OF ALLEGIANCE

Due to the absence of a flag, the Pledge of Allegiance was not recited.

MINUTES

The Minutes of the meeting of November 10, 1988 were approved with the correction that the letter to Frank Anderson from Travis A. Tapia, San Francisco Police Community Relations, dated October 20, 1988 requested confirmation of HRC co-sponsorship of the training conference rather than confirming co-sponsorship.

COMMUNICATIONS

A copy of a news release, issued by the California Department of Industrial Relations and received December 1, 1988, announcing the reinstatement of Cal/OSHA in response to voter approval of Proposition 97. Cal/OSHA will be reestablished at the same level as it was immediately prior to the transfer of jurisdiction to the federal government.

To Frank Anderson, Acting Director, from Dean L. Macris, Director of Planning, Department of City Planning, a letter received December 1, 1988, requesting a list of minority and women consultant firms with economic and financial expertise in sports facilities.

To Frank Anderson, from Burton Lee, President, Hop Sang Co. El Dorado Meat Market, a letter received December 2, 1988, conveying appreciation for the very helpful and prompt work of Carmen Smith in processing their certification, enabling them to receive their first City contract.

To all Appointing Officers, Departmental Personnel Officers, from John J. Walsh, General Manager, Personnel, a memorandum dated December 5, 1988, transmitting a policy statement and guidelines on sexual harassment issued by the United States Equal Employment Opportunity Commission.

To Frank Anderson, Interim Director, from John L. Taylor, Clerk of the Board of Supervisors, a letter received December 7, 1988, requesting that HRC provide, by December 13, 1988, 1) the number and dollar value of all construction contracts awarded by the City in the year prior to and for each year since the passage of the MBE/WBE Ordinance; 2) the number and dollar value of contracts awarded to contractors representing the following racial and ethnic groups: Asian-Pacific, Black, Hispanic, Native American, and White; and 3) the number of contracts and their dollar value awarded to contractors representing the above-mentioned racial and ethnic groups by sex. This data is being requested by the Governmental Operations Committee for their meeting on December 20, 1988 to consider a proposed ordinance to amend Chapter 6 of the SF Administrative Code establishing apprenticeship requirements for prime and subcontractors.

Interim Director Frank Anderson explained that it will be very difficult for staff to reply in a timely manner because this agency lacks the computer capacity to do so.

To Frank Anderson, Executive Director, from Tom Renaldo, Liaison for Community Involvement, Juvenile Court, a letter received December 7, 1988, announcing that he was now in charge of hosting a monthly educational assembly program for youth detained in Juvenile Hall. This program will follow the model of the highly successful Cultural Awareness Program that HRC staff, and most recently Bettye A. Burrell, coordinated for several years.

CHAIRPERSON'S REPORT

In the absence of Chairperson Lawrence B. Martin and Vice Chairperson Rosemarie Fernandez, there was no Chairperson's Report.

INTERIM DIRECTOR'S REPORT

Frank Anderson notified the Commission of the recent death of John Maher, Supervisor Bill Maher's brother.

It was then
*** m/s/c at the Human Rights Commissioners join with Interim Director Frank Anderson in conveying their condolences to Supervisor Bill Maher on the occasion of his brother's death.

Frank Anderson introduced Gail P. Roberts as the HRC coordinator of the San Francisco City and County 1988 Employees' Giving Campaign. Mr. Anderson urged Commissioner participation with HRC staff in the Combined Charities Fundraising Campaign. Ms. Roberts explained that this year there are six federations participating in the campaign: Bay Area Black United Fund, Combined Health Appeal of California, Environmental Federation of California, International Service Agencies, The Progressive Way, and United Way of the Bay Area. There are nearly 300 United Way agencies, with the total for the six federations exceeding 400. In addition, a 501(c)(3) agency not represented by the federations can be designated to receive funds. There are many more ways this year to give back to the community.

Frank Anderson introduced James Fields as the coordinator of the HRC holiday celebration. The party will be held from 12 Noon until 2:00 P.M. in Room 712, 1095 Market Street. A $5.00 donation per person is being requested. Linda Chin is organizing an exchange of inexpensive gifts.

Frank Anderson noted that the final item of his report would be presented under the MBE/WBE/LBE Advisory Committee.

STANDING COMMITTEES

MBE/WBE/LBE ADVISORY COMMITTEE

- Tribute to the late Howard A. Friedman FAIA and his work with minority and women-owned businesses as the Master Architect for the South Terminal Renovation at San Francisco International Airport.

Frank Anderson called upon Commissioner May Jaber who introduced Vicky Zimpel, Senior Contract Compliance Officer.

Ms. Zimpel explained that when she started with the HRC in 1979 there was no program for minority and women architects and engineers and that their combined participation in City contracts was less than one percent. The HRC Program was developed in 1979. Howard A. Friedman, a San Francisco architect, was hired by the San Francisco Airports Commission in 1983 to serve as the master architect for the renovation of the South Terminal. Instead of hiring one architect to design the whole terminal, Howard Friedman divided the project into seven separate contracts, totaling $7,200,000 and awarded them to seven separate architects. He took the then unprecedented action of awarding three prime contracts to small minority owned firms, one to a small minority-owned firm in joint venture with a larger non-minority firm; and one prime contract to a large minority business in joint venture with a non-minority firm. Thus, seventy-six percent of the prime contracts (or $5,500,000) was awarded to large and small minority businesses. Total SMBE (small minority business enterprise) participation, that is the actual work performed by SMBE at the prime and subconsultant level, was $2,000,000 of 28%. Total SWBE (small women business enterprise) participation was $607,000 or 8%.

Vicky Zimpel referenced the obituary to Howard Friedman that appeared in the San Francisco Chronicle to describe several of Howard Friedman's past projects: he designed Menhorah Park, a complex for senior citizens, with the adjacent social facilities of the Jewish Community Center to create an "urban village". In his modernization and expansion of the Jewish Home for the Aged, he created a "noninstitutional" health and general care facility, almost clublike in its group-living accommodations, which set a new standard for the nation. More far-reaching were the design criteria and planning principles he established for Levi-Strauss and Company for which he served for many years as consulting architect. He handsomely recycled Levi's historic Victorian factory as a modern training center and community resource.

Ms. Zimpel then introduced several participants in the design and modernization of the South Terminal. Jason Yuen, Deputy Director of San Francisco International Airport, described Howard Friedman's pioneering efforts to award prime contracts to minority and women-owned firms by dividing a major contract into component parts, which had never tried before. In addition, the firm he chose to assist him in the management of the South Terminal renovation was a brand new minority woman-owned firm with no "track record" which is now a very successful firm. Mr. Yuen reported that the South Terminal renovation was finished on time and under budget.
Mr. Yuen closed his remarks by stating that, on behalf of the San Francisco Airports Commission, he requested that the Human Rights Commission join in commending the extraordinary work of Howard Friedman.

John Costas, also of the Airports staff, added that Howard Friedman's concept for the Airport was "happy people". Mr. Costas noted that the Black architect hired by Mr. Friedman was the first Black-owned firm to be awarded a prime contract by the City.

Frank S. Fung, EDZ International, who designed the concession space in one of the new boarding areas in the South Terminal, described his early experience in developing a program for minority and women architects and engineers, beginning 1979, and the pioneering efforts made by Mr. Firedman at the South Terminal. At the ten-year celebration of Asian Architects and Engineers held recently, the association presented an award to Howard Friedman for his work with the Asian design community.

Robert B. Wong, of Robert Wong, Architects/Planners, noted that his firm had been involved in a joint venture at the South Terminal to design one of the new boarding areas. Howard Friedman gave lots of people an opportunity to prove themselves. Mr. Wong observed that our legacy from Howard Friedman was the enjoyment of people.

Julian D. Munoz, Group 4/Architecture, Research, and Planning, Inc. which designed the west entrance to the South Terminal, observed that San Francisco has lost a unique supporter of human rights. Howard Friedman interceded with the Airports Commission to make possible the awarding of separate contracts to MBEs and WBEs for the renovation of the South Terminal.

Vicky Zimpel referenced the Resolution in Memory of and Tribute to Howard A. Friedman FAIA, a copy of which had been circulated in advance to the Commissioners.

It was then
*** m/s/c that Human Rights Commission adopt the Resolution in Memory of and in Tribute to Howard A. Friedman FAIA, and that a copy be attached to these minutes, and also sent to his family.

On the recommendation of Commissioner Isadore Pivnick,

It was then
*** m/s/c that the Human Rights Commission request the Board of Supervisors to take similar action honoring Howard A. Friedman.

Acting Chairperson Father Peter Sammon thanked Vicky Zimpel for her presentation and for organizing this tribute to Howard A. Friedman, and thanked the guest speakers for their remarks.

- Continuation of Director's Report

Frank Anderson announced the release of the new MBE/WBE Directory to be used by City and County departments for outreach. Approximately 1400 certified firms are included. About 200 copies of the Directory have been printed. Mr. Anderson explained that this Directory is not for public distribution; however, copies of the construction and A&E (architects and engineers) sections are distributed without charge. Mr. Anderson explained that the Directory has been very useful in promoting minority and women business utilization. Frank Anderson complimented all of the staff who worked on the preparation of the Directory, particularly the certification unit.

ADMINISTRATIVE COMMITTEE

- Election of Office

The slate of Lawrence B. Martin for Chairperson and Rosemarie Fernandez for Vice Chairperson was presented.

It was then
*** m/s/c that the Human Rights Commission elect Lawrence B. Martin as Chairperson and Rosemarie Fernandez as Vice Chairperson.

- Committee assignments

Frank Anderson entered into the record the committee assignments

1. Administrative
   Rosemarie Fernandez, Chair
   Frankie Gillette, Leonard Graff, May Jaber, Karen Kai, Isadore Pivnick, and Peter J. Sammon, Members
   Larry Martin, ex-officio

2. Employment Committee
   Frankie Gillette, Chair
   Peter J. Sammon, Vice-Chair
   Isadore Pivnick, Member

3. Lesbian/Gay Advisory Committee
   Leonard Graff, Chair
   Lenore Chinn, Vice-Chair
   Adrian Bermudez, Jr., Member

4. Housing and Urban Development Committee
   Karen Kai, Chair
   Adrian Bermudez, Jr., Vice-Chair
   Lucile Lockhart, Member

5. Social Issues and Police Liaison Committee
   Peter J. Sammon, Chair
   Lucile Lockhart, Vice-Chair
   Frankie Gillette, Member
   May Jaber, Member

6. Youth and Education Committee
   Isadore Pivnick, Chair
   Karen Kai, Vice-Chair
   Leonard Graff, Member

7. M/W/L/BE Community Advisory Committee
   May Jaber, Chair
   Rosemarie Fernandez, Vice-Chair
   Lenore Chinn, Member

On behalf of Commissioners Martin and Fernandez, Interim Director Anderson thanked the Commissioners for their vote of confidence.

EMPLOYMENT COMMITTEE

- Committee Report

Carmen Smith, committee staffer, stated that David Troyer, an intern from the University of California at Santa Cruz, presented an informational report on Wrongful Discharge in Employment at the December 1st meeting of the Committee. The Employment Committee will meet next on Thursday, January 19, 1989. Ms. Smith expects the Committee to be "off and running" by then.

HOUSING AND URBAN DEVELOPMENT COMMITTE

There was no report.

LESBIAN/GAY ADVISORY COMMITTEE

- Approve Resolution Regarding HIV Antibody Testing and Immigration

Commissioner Graff requested that Commissioner Chinn made the presentation. Commissioner Chinn explained that Ignatius Bau had presented, to the November 15th meeting of the Lesbian/Gay Advisory Committee, the request of the Lawyers' Committee on Urban Affairs, that the Commission adopt a policy statement in regard to AIDS and immigration.

Testing for Human Immunodeficiency Virus (HIV) antibodies has been required for individuals applying for resident status in the United States. This includes individuals applying for refugee status, legalization or amnesty, and certain categories of individuals applying for temporary residence. The effect of these requirements has been to discourage individuals currently residing in the United States, including undocumented workers and migrant farm workers, from seeking HIV antibody testing, counseling, or treatment for fear of adverse action. Mr. Bau observed that there are 70 cases of persons in the San Francisco Bay Area who are eligible for legalization and for whom it would have been granted except for a positive HIV test result. Mr. Bau requested that the INS be urged to end its program of mandatory HIV testing and to grant waivers for humanitarian and health reasons, to applicants for legalization who are HIV positive.

In response to Commissioner Lockhart's question, Mr. Bau stated that INS generally grants waivers for: 1. family unity, 2. humanitarian reasons, and 3. in the public interest. Mr. Bau recommended that the HRC urge the INS to grant waivers "in the public interest". Because of the potential for discrimination and the impact on AIDS education and prevention strategies, it is in the public interest for the INS to grant waivers whenever an HIV positive test result is the only reason for denial. It was noted that Dr. David Werdegar, Director of Public Health, already is on record as supporting the granting of waivers in this situation.

General discussion ensued among the Commissioners focusing on possible amendments to the Resolution regarding HIV antibody testing and immigration, concerning requesting the INS to make broader use of its discretionary powers to grant waivers. Commissioner Gillette inquired as to what impact HRC resolutions have. Interim Director Anderson reponded that, within the City structure, HRC resolutions carry "clout" and we have had quite a bit of success with resolutions. HRC, as a City agency, goes through the Board of Supervisors and the Mayor for state and national issues. The City of San Francisco has "clout". Commissioner Sammon related his experience with the City of Refuge resolution and its influence on the INS. Commissioner Graff stated that it was not only appropriate, but HRC's duty, to adopt the resolution regarding HIV antibody testing. Commissioner Gillette expressed concerns regarding INS policy on granting waivers for AIDS and other diseases in terms of the impact on fairness and paying the bills.

On behalf of the Committee, Commissioner Chinn accepted Ignatius Bau's wording for an amendment to the resolution, adding to the Further Resolved Clause: "that the Human Rights Commission urges the Immigration and Naturalization Service to grant waivers to legalization applicants who are HIV positive and".

It was then
*** m/s/c that the Human Rights Commission adopt the Resolution Regarding HIV Antibody Testing and Immigration as amended. Commissioner Gillette

voted no, having first abstained because she sought additional information for clarification. Interim Director Anderson explained that abstention was not allowed under Commission rules.

Acting Chairperson Sammon thanked Ignatius Bau for sharing information with the Commission.

SOCIAL ISSUES/POLICE LIAISON COMMITTEE

There was no report.

YOUTH AND EDUCATION COMMITTEE

- Approval of letter supporting expanded Drug Education

James Fields, committee staffer, explained that the Youth and Education Committee, at its November 17th meeting, heard a detailed presentation by Sergeant Tom Del Torre and Officer Leroy Lindo on San Francisco Police Department's drug education program: "Here's Looking at You 2000". Committee members expressed concern that this drug education program was limited to third, fourth and some fifth grade classes in San Francisco public elementary schools and was not available to youth in all schools. Some parechial schools in "target" areas: Ingleside, Potrero, and Bayview do receive this program. Mr. Fields stated that funding for "Here's Looking at You 2000" comes from two sources: drug asset seizure monies and a grant from the state Office of Criminal Justice Planning.

It was then
*** m/s/c that the Human Rights Commission, on the recommendation of its Youth and Education Committee, encourage the San Francisco Police Department to expand the size of its Drug Education Unit to serve all youth in grades kindergarten through 12th in public, private and religious schools through the sending of a letter, as amended, to Chief of Police Frank Jordan.

- Committee Report

In other business, the Youth and Education Committee heard a presentation by Isabel Huie, Chairperson of the San Francisco Unified School District's Affirmative Action Review Committee. The Youth and Education Committee requested the sending of a letter to Superintendent Ramon Cortines asking for clarification of the process whereby long term substitute teachers become probationary teachers.

The next meeting of the Youth and Education Committee is scheduled for December 15th.

Commissioner Pivnick thanked James Fields for his efforts, noting that, as committee alternate, he has just taken over as committee staffer.

NEW MATTERS

There were no new matters.

CALENDAR MATTERS

The regular meeting of the HRC scheduled for Thursday, December 22, 1988, has been cancelled. The next regular meeting will be Thursday, January 12, 1989 at 9:00 A.M., probably in a new location. Frank Anderson gave the background of why the Employment Committee has been meeting at 1850 Mission Street in response to a request by Commissioner Pivnick.

The Personnel Search Committee of Commissioners Fernandez, Gillette, Kai, Martin, and Sammon will meet with the Mayor at 4:00 P.M. Monday,. December 12, 1988.

The Administrative Committee will meet in the morning of either Wednesday, January 4th, or Friday, January 6th, to discuss the meeting with the Mayor and the HRC budget.

Frank Anderson reminded Commissioners that they generally will have two Commission meetings, two committee meetings, and one Administrative Committee meeting per month.

STANDING COMMITTEES

ADMINISTRATIVE	To be announced
EMPLOYMENT	Thursday, January 19, 1989 9:30 A.M. Place to be announced
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, December 20, 1988 5:30 P.M. Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, December 15, 1988 3:30 P.M. Room 1200, State Building 350 McAllister Street

ADJOURNMENT

The meeting of the Human Rights Commission was adjourned by Acting Chairperson Commissioner Father Peter Sammon at 11:00 A.M.

Respectfully submitted,

Frank V. Anderson
Interim Director
via Gail P. Roberts

FVA:GPR:np/bct/ad
12/22/88

[HRC/Min]CORR3

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

ATTACHMENT #1

RESOLUTION

RESOLUTION IN MEMORY OF AND IN TRIBUTE TO

HOWARD A. FRIEDMAN FAIA

WHEREAS, Howard A. Friedman, who died on October 28, 1988, was, as Master Architect of the San Francisco Airport South Terminal Renovation, a pioneer in encouraging the participation of minority and woman-owned businesses; and

WHEREAS, he believed that the City would benefit from the talents and creativity of smaller businesses if projects were broken down into sizes that allowed them to compete; and

WHEREAS, he believed that San Francisco-funded architectural projects should be representative of all the City's rich, cultural diversity; and

WHEREAS, because of his vision and with the encouragement and courageous support of the San Francisco Airports Commission and its staff, he fulfilled the spirit and intent of the City's current local, minority and woman-owned business ordinance two years before there was such an ordinance and on one of its largest and most visible projects;

NOW THEREFORE BE IT RESOLVED that the Human Rights Commission express its gratitude and admiration for his work with the City's local, minority and woman-owned businesses and convey this tribute to his family in honor of his achievements and in his memory.

Resolution 6-88
Adopted by the HRC 12-8-88

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

City and County of San Francisco

h

Human Rights Commission

Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

ATTACHMENT #2

RESOLUTION

RESOLUTION REGARDING HIV ANTIBODY TESTING AND IMMIGRATION

WHEREAS, it is the policy of the City and County of San Francisco to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments, and to equal service and protection by public agencies; and,

WHEREAS, the population of San Francisco is composed of a rich variety of religious, racial, and minority groups, including immigrants; and,

WHEREAS, the policies of the Immigration and Naturalization Service may operate to further discrimination and prejudice against individuals with AIDS or HIV infection; and

WHEREAS, it is contrary to the public interest to deny legalization to individuals with HIV infection, in that these individuals will be forced underground and may be subjected to discrimination and to the denial of access to health and social services; and,

WHEREAS, the social and economic costs of discrimination against persons with HIV infection are greater than the marginal public health benefits derived from a program of mandatory testing; and,

WHEREAS, sound public health policy requires an analysis of the social and economic consequences, as well of the public health consequences, of a program of mandatory testing; and,

WHEREAS, the public interest in preventing the further transmission of the HIV virus is best served by public education and public policies that encourage persons to come forward for voluntary testing, counselling and treatment;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission express its opposition to a program of mandatory testing for immigrants; and

FURTHER RESOLVED, that the Human Rights Commission urges the INS to grant waivers to legalization applicants who are HIV positive and that the Commission request the Board of Supervisors adopt a policy statement opposing mandatory HIV testing for immigrants.

Resolution 7-88
Adopted by the HRC 12-8-88

(415) 558-4901 **Suite 501, 1095 Market Street** San Francisco 94103